

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** St. Paul Federal Credit Union (1664 University Ave) **FILE #** 11-130-458
2. **APPLICANT:** St. Paul Federal Credit Union (1664 University Ave) **HEARING DATE:** May 5, 2011
3. **TYPE OF APPLICATION:** Conditional Use Permit with Modification
4. **LOCATION:** 1664 University Ave W, between Fry and Pierce
5. **PIN & LEGAL DESCRIPTION:** 332923410128, Section 33 Town 29 Range 23 Vac Alley Accruing & Lot 1 Blk 3 Homer H Hoyt Co.'s Add And In Said Sec 33 Tn 29 Rn 23 Ex Ave; The W 251.44 Ft Of The E 955 Ft Of The N 182.82 Ft
6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** B3
7. **ZONING CODE REFERENCE:** §65.513; §67.700; §61.501; §61.502
8. **STAFF REPORT DATE:** April 28, 2011 **BY:** Sarah Zorn
9. **DATE RECEIVED:** April 13, 2011 **60-DAY DEADLINE FOR ACTION:** June 12, 2011

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- A. **PURPOSE:** Conditional Use Permit for drive-through service accessory to credit union, with modification of required setback from residential property
 - B. **PARCEL SIZE:** Irregular parcel; 253 ft of frontage on University Avenue, total square footage = 38,333 sq. ft.
 - C. **EXISTING LAND USE:** Vacant commercial
 - D. **SURROUNDING LAND USE:**
 - North: Auto specialty, retail and restaurant uses (B3)
 - East: Pawn shop and medical office building (B3)
 - South: Single and multifamily residential (RM2)
 - West: Health east complex (RM2)
 - E. **ZONING CODE CITATION:** §65.513 lists the standards and conditions for drive-through sales and services; §67.700 provides additional regulation as required by the Central Corridor Overlay District; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
 - F. **HISTORY/DISCUSSION:** This property was built as an Embers Restaurant in the late 1960's and appears to have been various restaurant uses until the most recent establishment closed in 2010. The Board of Zoning Appeals approved a variance application for the Saint Paul Federal Credit Union in 2008 when a drive-through lane had been proposed 6 ft. from the south property line, adjoining a residential district (#07-224-199).
 - G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council decided to take no action on this application.
 - H. **FINDINGS:**
 1. The applicant, Saint Paul Federal Credit Union, is proposing to renovate a portion of the existing building and demolish the southernmost portion. A second story will be built for the company's corporate offices. The finished building will be approximately 12,000 square feet.
 2. The site is currently zoned B3 and is located in the Central Corridor Overlay District (§67.700) and is therefore subject to additional regulation. Specifically, drive-through sales and services are regulated as they are in the TN2 district (per §67.706), meaning they require a conditional use permit and are limited to three drive-through lanes for a bank use. Condition (f) in §65.513 lists the additional standard for drive-through uses in TN2. Because Saint Paul Federal Credit Union will be re-using the existing parking lot and most of the existing building no other requirements from §67.700 apply.
 3. §65.513 lists six standards and conditions for drive-through sales and services:
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least*

sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. This condition is partly met. The proposed drive-through lane is to be located to the rear of the building and approximately 20 ft. from the southern property line. The adjoining property to the south is currently vacant and is zoned RM2. The applicant is requesting a modification of 40 ft. from the required 60 ft. distance from a residential district. If the Planning Commission grants the modification, this condition will be met.

- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* The applicant has requested a modification of this condition. The point of ingress/egress on Fry Street is more than one hundred feet from the intersection of Fry and University. Similarly, access onto Pierce Street (egress only) is more than one hundred feet from the intersection of Pierce and University. Due to the shape of the parcel, the applicant has requested a modification of the required sixty foot distance for the access point on Pierce Street, which is approximately twenty feet from a residential district.
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. The applicant has stated that the technology used in the audio system, including a volume control located inside the building, will have minimal impact on adjacent residential property. In addition, the devices will face the customer and the building, rather than the residential land to the south.
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is met. According to the site plan submitted, along the southern property line, the applicant will leave the existing 6 ft. fence and complement the remaining un-fenced portion with a new screening fence. There will be between eight and ten feet of landscaping along the southern property line.
- (e) *Stacking space shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces pre drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* This condition is met. The site plan indicates that there are at least four stacking spaces for each drive-through lane.

Additional condition in the TN2 traditional neighborhood district:

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The applicant is proposing to construct two drive-through lanes with one point of service each.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The applicant has requested a modification of conditions (a) and (b) in section 65.513 due to the site's proximity to residentially zoned property. The size and shape of the parcel greatly restricts the applicant's ability to locate both the business and associated drive-through service lanes. While the intent of the distance requirement is to protect adjacent residential uses from the noise and negative impacts of being located close to a drive-through use, the applicant has outlined the ways that the impact will be minimized, through landscaping, fencing and audio technology. Residential land immediately

south of the drive-through lanes is currently vacant and is used as sideyard for the multifamily building located farther south on Pierce; the lot is approximately 6,800 square feet. In addition, the proposed layout emphasizes the pedestrian realm by removing a curb cut on University and reducing the size of the existing curb cut on Pierce.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Snelling station area plan encourages active first floor uses and prominent entrances. The plan also emphasizes the need for private development to contribute to the public realm through landscaping along the public street to enhance the pedestrian orientation and walkability of University Avenue. The Saint Paul Comprehensive Plan designates University Avenue as a mixed use corridor, where a mixture of uses is supported according to objective 1.24 in the Land Use chapter.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The applicant will be closing an existing curb cut on University Avenue. Ingress will be from Fry Street and points of egress will be on both Fry and Pierce Streets. There is a controlled intersection at Fry and University, and customers will only be able to make a right turn onto University from Pierce Street. The proposed layout will minimize congestion on University and will direct most of the use's traffic to the controlled intersection. Based on the applicant's experience at two other locations, the estimated weekly vehicle count for the drive-through use is 233.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use as a credit union and office building is in keeping with the character of development in the immediate neighborhood.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed commercial use will not impede the development or improvement of surrounding property. If the vacant parcel on Pierce were to be redeveloped, the maximum number of units would be two based on the lot size and the provisions of the code. Any new two-unit development would need to be set back a minimum of 9 ft. from the side property line, increasing the distance from the drive-through use. In addition, the hours of operation as stated in the application are 8 a.m. to 5 p.m. Monday through Friday for the lobby, and 8 a.m. to 6 p.m. Monday through Friday and 9 a.m. to noon on Saturday for the drive-through.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use will conform to all other applicable regulations in the B3 district and the Central Corridor Overlay District.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for drive-through service accessory to a credit union, with modifications of 40 ft. and 20 ft. from the required setback from residential property for the drive-through lanes and point of egress respectively, subject to the condition that the site plan is approved as required by the Department of Safety and Inspections.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File #

11-130458

Fee:

800.00

Tentative Hearing Date:

5-5-11

PD-13

*332923410128-

APPLICANTName St. Paul Federal Credit Union (Tim Alexander, Vice President)Address 1330 Conway Street, Suite 200City St. Paul St. MN Zip 55106 Daytime Phone 651.783.5100

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATIONAddress / Location 1664 University Avenue West; St. Paul, MN 55104Legal Description Vac Alley Accruing & Lot 1 Blk 3 Homer H Hoyt Co.'s Add And In Said Sec 33 Tn 29 Rn 23 Ex Ave; The W 251.44 Ft Of The E 955 Ft Of The N 182.82 Ft.Current Zoning B-3 & CC

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65 Section 513 Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

St. Paul Federal Credit Union (SPFCU) requests a conditional use permit to allow drive-through lanes as a conditional use on the subject property. Chapter 67.707 (Central Corridor Overlay District) requires drive-through uses to be regulated within the requirements for TN2 District. Table 66.321 requires a conditional use permit for drive-through sales and services. Drive-through lanes are essential to day-to-day operations of this credit union and critical for member convenience. Credit unions are a permitted use on this property per Table 66.321.

In addition, St. Paul Federal Credit Union requests a modification to the conditional use to allow the drive-through lanes, service windows and vehicular ingress/egress points to be within the required 60 (sixty) setback from a residential property as required by Section 65.513 (a&b). SPFCU proposes a drive-through lane approximately 20' away from the south property line adjoining a residential district (a by-pass drive lane is proposed at 10'-6" away from the property line).

Please refer to attached information:

Letter from Heller Architects dated 4/11/11

Existing Site Plan

Proposed Site Plan

Existing site photographs

Aerial images of the site and surrounding areas

☒ Required site plan is attached

Applicant's Signature

Date

4/11/2011

City Agent

pd 4/13/11
CK 800
148553

Heller architects inc.

► Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, Minnesota 55102

RE: Conditional Use Permit Application
1664 University Avenue West
St. Paul, Minnesota 55104-3725

11 April 2011

To Whom it May Concern:

On behalf of St. Paul Federal Credit Union (SPFCU), we are submitting the attached Conditional Use Permit Application and supporting information for the property listed below.

Property Information (Location where variance is being requested):

The following property information is based on Ramsey County records:

Location:	1664 University Avenue West St. Paul, Minnesota 55104-3725
Property Identification Number (PIN):	33.29.23.41.0128
Plat or Section / Township / Range:	33 / 29 / 23
Legal Description:	Vac Alley Accruing & Lot 1 Blk 3 Homer H Hoyt Co.'s Add And In Said Sec 33 Tn 29 Rn 23 Ex Ave; The W 251.44 Ft Of The E 955 Ft Of The N 182.82 Ft.
Parcel Size:	.88 Acres (37,705 SF)
Current Zoning:	B-3 General Office & CC Central Corridor Overlay District Site is within ¼ mile of a proposed LRT station at Snelling & University
Current Use:	Vacant (Formerly a restaurant)
Proposed Use:	Credit Union

History of Site / Building:

The property was undeveloped until 1966 when the existing restaurant building was constructed. The one story building with basement was constructed as the original Embers Restaurant and also served as their corporate offices in the lower level. Embers Restaurant occupied the building until approximately mid 2003 and since then the building continued to function as various restaurants. There appears to be two additions that were added throughout the years – one to the south behind the building and one to the east. It is unknown when these additions were completed. Currently, the entire building is vacant.

The existing one story building is located in the northwest corner of the site near the intersection of University Avenue and Pierce Street. The combined gross square footage of the building is approximately 11,610 square feet. The main level footprint is 5,810 square feet.

Neighboring Properties:

Adjacent properties to this site are occupied by the following:

North: A restaurant and Goodyear automotive center are located north of University Avenue.
East: A pawn shop and medical office building are located east of Fry Street.
South: A residential neighborhood is located directly south of the property. The west property is vacant and the east property is developed.
West: A medical office building is located west of Pierce Street.

Proposed Use:

St. Paul Federal Credit Union (SPFCU) is proposing a redevelopment of the existing site and building to accommodate their corporate offices and a full service credit union with drive-through lanes. The following are proposed improvements to the existing building: Remove a small portion of the existing building on the south side to accommodate drive-through lanes and a by-pass drive lane; A new addition on the east side to accommodate a new entrance, lobby and loan offices; Remodel entire main level to accommodate credit union functions; Add a second floor to accommodate corporate office functions and to help in the overall exterior appearance and massing; and remodel the existing lower level to accommodate storage. Overall the main level footprint will be approximately

W2archHeller architects/HA
Projects0801.00 SPFC University
Ave\Correspondence\Conditional Use
Request - 2011W041111dh-
SPFvariance.doc

Heller Architects Inc.
1410A Sylvan Street
Saint Paul, MN 55117
651.487.6447 Fax
651.487.8558 Tel

6,000 SF with the new second floor approximately the same square footage. The entire exterior will be updated to an aesthetic that is suitable to the neighborhood and the University Avenue corridor.

As shown on the attached Proposed Site Layout, the proposed site improvements consist of the following: New curb/gutter and parking surfaces; new sidewalks and landscaping; new site lighting and signage; new curb cuts on Fry and Pierce Streets; abandoning existing curb cut on University Ave; and new under ground storm water retention. The new parking will be set back from the University Avenue property line approximately 8'-6" to allow ample of room for landscaping and city sidewalk expansion if the City desires.

Purpose of Conditional Use Permit Request:

As part of the proposed site development, SPFCU proposes a full service credit union that includes two drive-through lanes that are essential to day-to-day operations and critical for member convenience. The current Business District (B3) zoning allows credit unions and drive-through lanes as a permitted use. However, drive-through uses in a Central Corridor Overlay District (Chapter 67.707) are regulated by the TN2 Traditional Neighborhood District which requires a conditional use permit for drive-through sales or services (Table 66.321 – Principal Uses). The use of the site is very limited to SPFCU, or most banks, if drive-through lanes are not allowed.

In addition, St. Paul Zoning Code Section 65.513 (a & b) require drive-through lanes, service windows and vehicular ingress/egress points be located 60 (sixty) feet away from a residential property. In this case, this requirement prohibits a reasonable site layout. If the site were laid out based on these setback requirements and the building location, the drive-through lanes would need to be in the northeast corner of the site along University Avenue and Fry Street (refer to hatched area on the proposed site layout). It is not possible to locate functional drive-through lanes in that area of the site.

We feel the best overall site layout in regards to vehicular traffic, pedestrian safety and the overall use of the site is to locate the drive-through lanes near the back of the building as shown on the attached proposed site layout. To promote a pedestrian friendly environment by eliminating vehicular traffic flow over the sidewalk, we are proposing to close off the existing curb cut on University Avenue and direct all traffic to Fry and Pierce Streets. Incoming traffic onto the site will be from Fry street with egress either to Fry or Pierce Streets. Also, new landscaping combined with new and existing fencing will provide adequate screening between this site and the neighboring residential properties to the south.

CONDITIONAL USE PERMIT REQUEST:

St. Paul Federal Credit Union (SPFCU) requests a conditional use permit to allow drive-through lanes, sales and services as a conditional use on the subject property.

In addition, St. Paul Federal Credit Union requests a modification to the conditional use to allow the drive-through lanes, service windows and vehicular ingress/egress points to be within the required 60 (sixty) setback from a residential property as required by Section 65.513 (a&b). SPFCU proposes a drive-through lane approximately 20' away from the south property line adjoining a residential district (a bypass drive lane is proposed at 10'-6" away from property line).

SPFCU purchased the site a few years ago with the intent of providing a full service credit union to the neighborhood and to move their corporate offices to this location. The lack of drive-through lanes would prevent a reasonable use of the property to SPFCU. Due to the location of the existing building and the unique shape/dimensions of the property, the 60 foot setback is not feasible and also prevents a reasonable use of the property under the strict application of the code. These circumstances are unique to this property and were not created by the property owner. The proposed exterior improvements will enhance the overall property and neighborhood and in no way have an adverse impact on the surrounding properties. The proposed site improvements will provide a pedestrian friendly environment, especially along University Avenue by eliminating the existing curb cut, and in no way endanger the public health, safety and general welfare. A credit union is already a permitted use in this zoning district, therefore the zoning classification of the property will not change or alter.

St. Paul Federal Credit Union Information:

Currently St. Paul Federal Credit Union's main office is located at 1330 Conway Street on the east side of St. Paul and has two drive-through lanes plus one ATM lane. SPFCU also has one branch office located in Hillcrest Shopping Center on White Bear Avenue with no drive-through lanes. Based on these locations, SPFCU offers the following statistics which they expect the University Avenue location to be similar. The drive-through vehicular traffic will probably be less due to fewer lanes proposed at the University Avenue location.

Drive-through Vehicular Traffic (Total average number of cars per day):

Mondays:	38
Tuesdays:	26
Wednesdays:	36
Thursdays:	29
Fridays:	50
Saturdays:	54

Hours of Operation:

Lobby:

Monday - Friday:	8 AM - 5 PM
Saturday & Sunday:	Closed

Drive-through:

Monday - Friday:	8 AM - 6 PM
Saturday:	9 AM - Noon
Sunday:	Closed

The two proposed drive-through lanes will be equipped with a security camera and a customer transaction station (pedestal). The customer stations and the pneumatic tube system do not produce noise at a noticeable level. The audio components at each customer station are equipped with volume control devices located inside the building at the teller line. The audio components are also wired with cat 5 cabling which produces clarity and reduces the need for additional volume unlike the traditional audio systems found at many fast food restaurants. Also, the proposed layout would have the customer stations and audio devices facing away from the neighboring residential property.

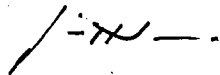
Supporting Information:

Please find attached the following information:

- Existing Site Plan.
- Proposed Site Plan.
- Existing Site Photographs.
- Aerial Images of the site and surrounding area.

Thank you for your consideration. Feel free to call us with any questions or if additional information is needed.

Sincerely,



Heller architects inc.
Dave Heller AIA
Principal

XC:

Theresa Malone (St. Paul Federal Credit Union)
Tim Alexander (St. Paul Federal Credit Union)
File

UNIVERSITY AVENUE

FRY STREET

STREET

PIERCE

BUS STOP

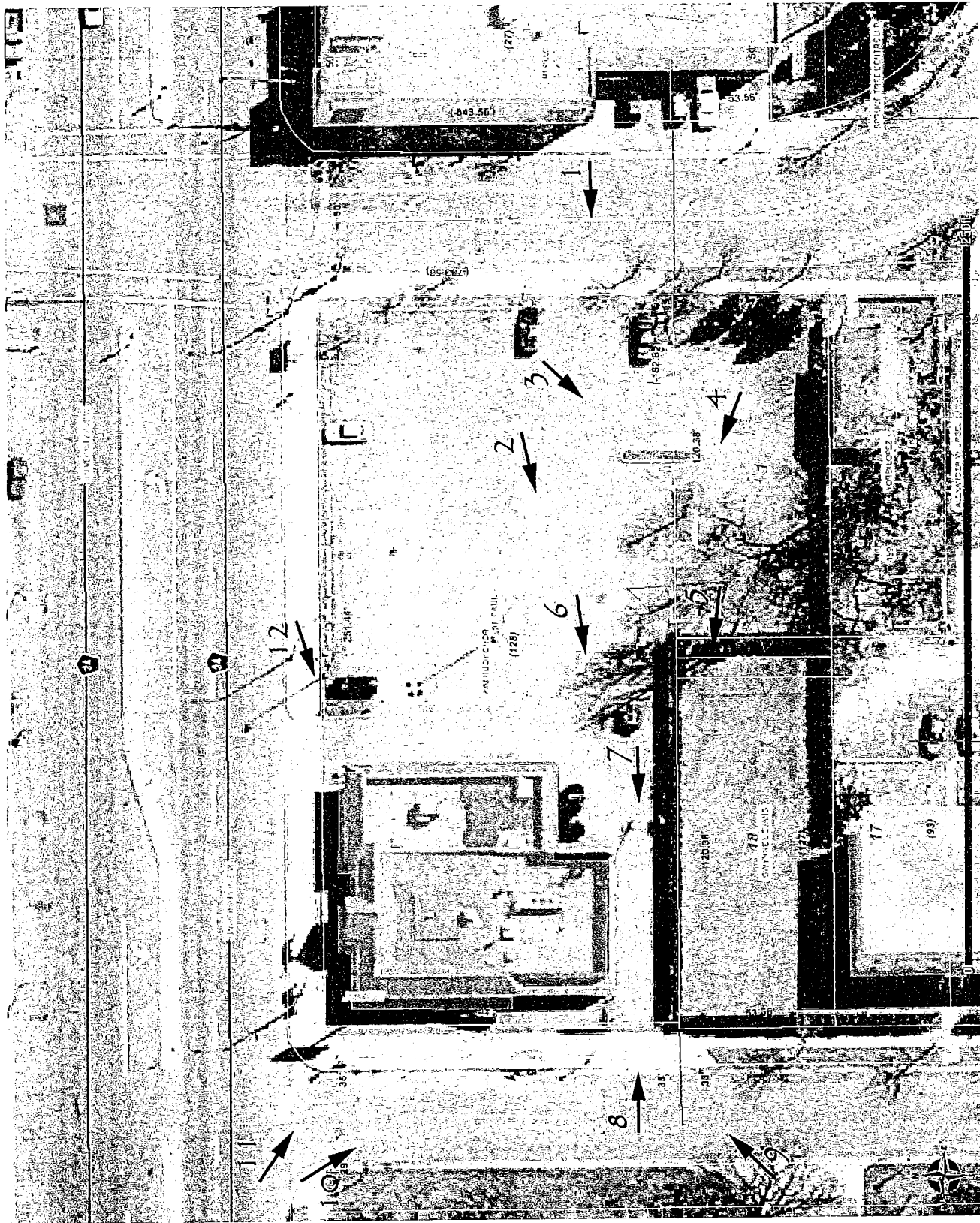
EXISTING BUILDING

WALKWAY

EXISTING BUILDING
1664 UNIVERSITY AVE W
FOOTPRINT = 5,810 SF



ST. PAUL FEDERAL CREDIT UNION
EXISTING Site Layout - 1664 University Avenue West



1664 UNIVERSITY AVENUE WEST
Existing Site Photographs



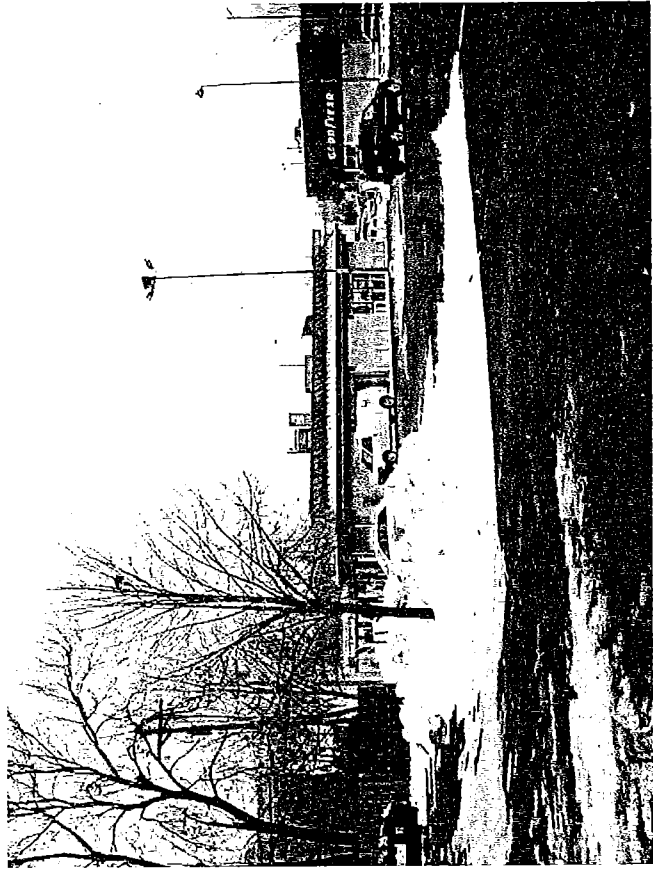
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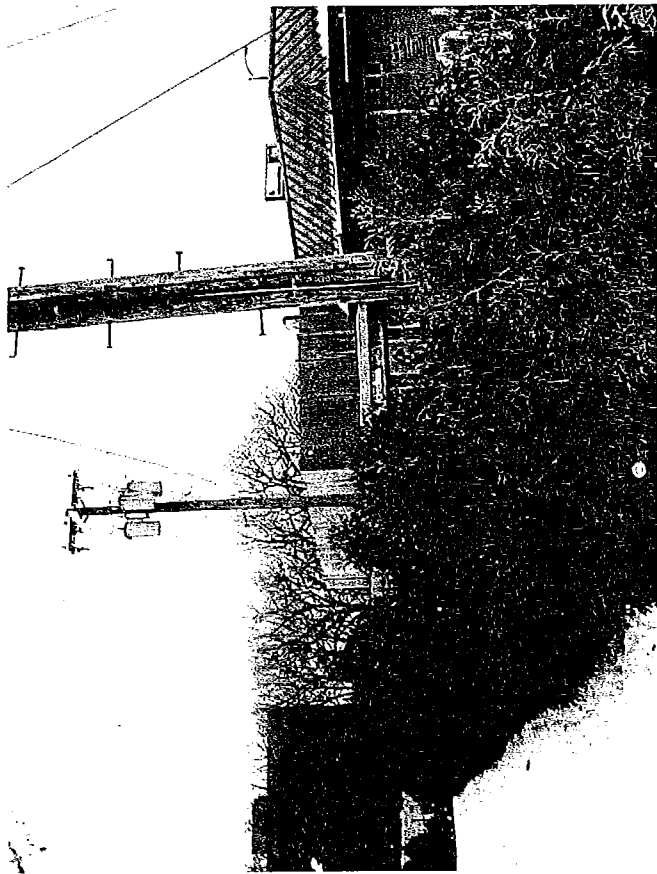


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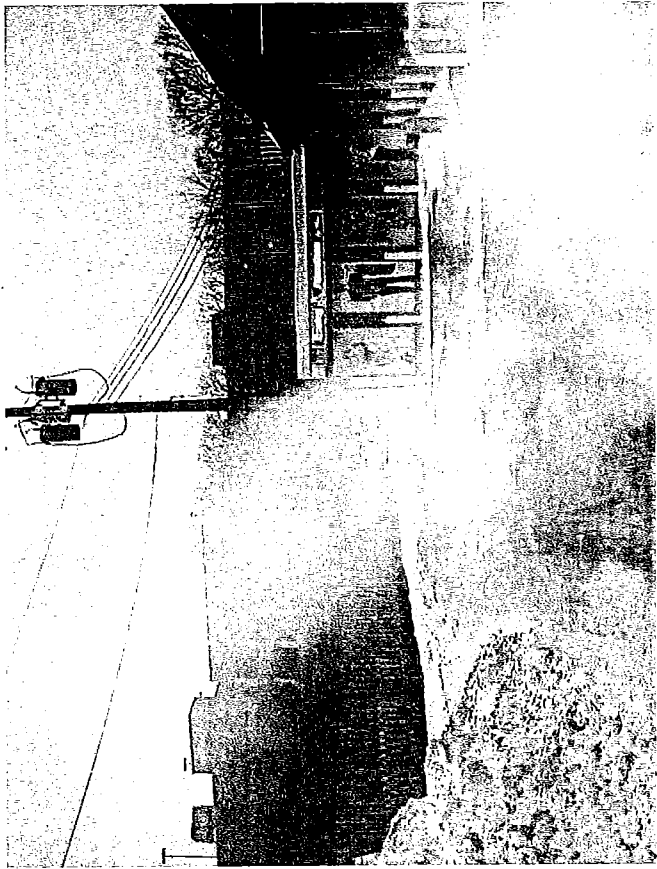


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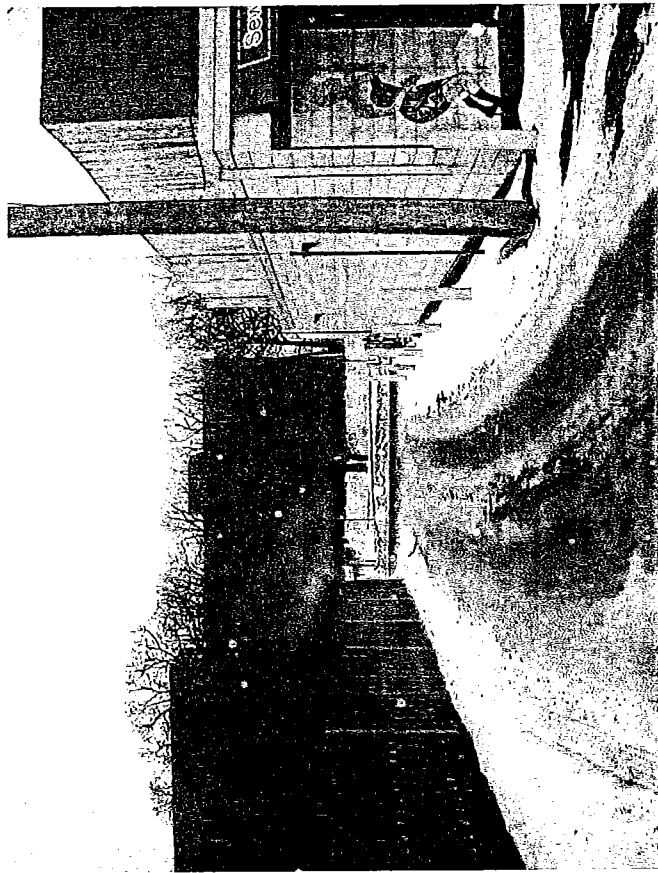
1664 UNIVERSITY AVENUE WEST
Existing Site Photographs



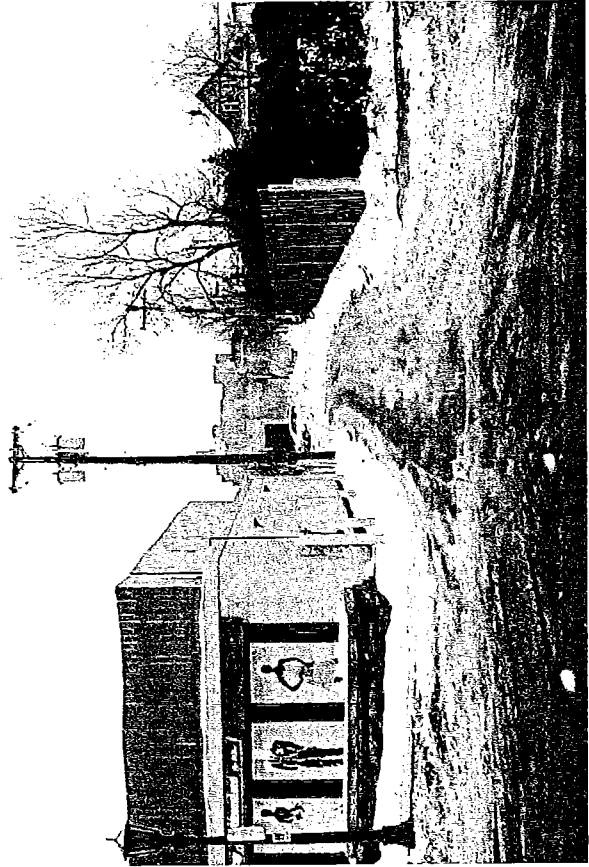
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1664 UNIVERSITY AVENUE WEST
Existing Site Photographs



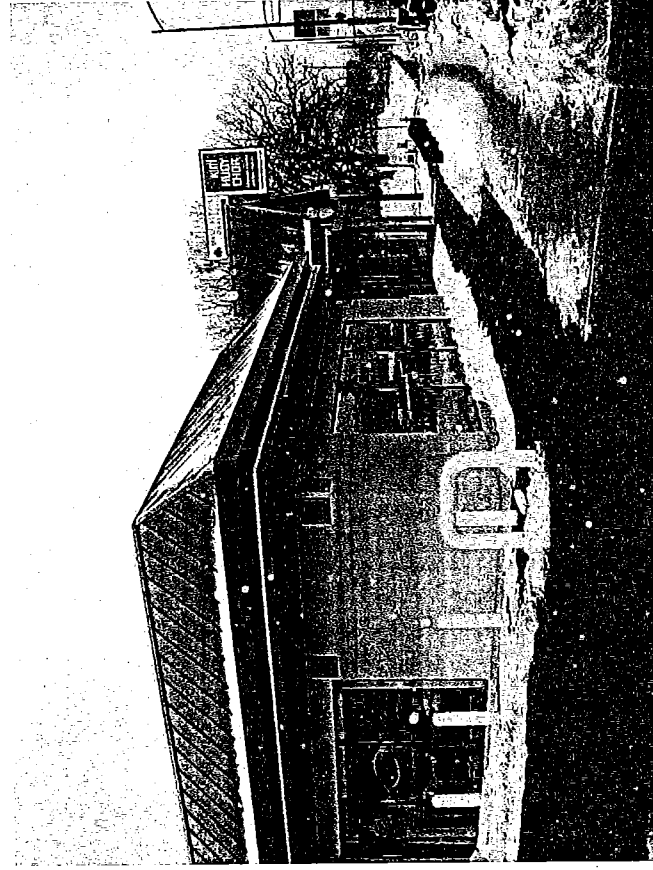
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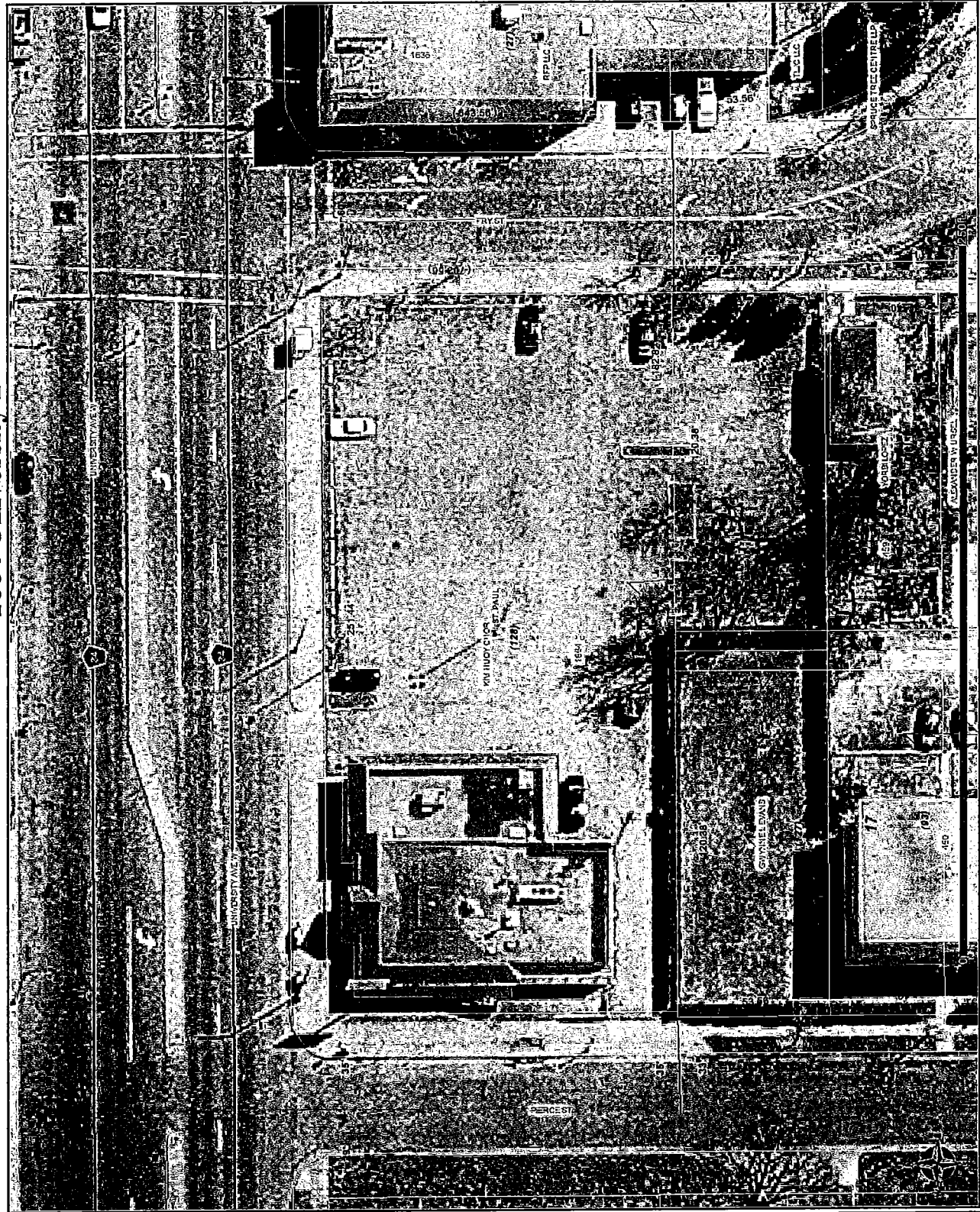
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1664 UNIVERSITY AVENUE WEST
Existing Site Photographs

1664 University 2



- Parcel Points
- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Pavement Edge
- Water
- Structures
- Parcel Polygons
- Parcel Lines and Land Ties
- Land Ties
- Platted Lot Lines
- Parcel Map Labels
- Primary Owner
- 2006 Color Aerials
- Highway Shields
- Street Name Labels

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (October 29, 2007), The Lawrence Group (October 29, 2007) for County parcel and property records data; November 2007 for commercial and residential data; April 2006 for color aerial.



UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104

p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

April 20, 2011

City of Saint Paul
Department of Planning and Economic Development – Zoning Section
Attention: Patricia James
1400 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102-1634

Re: File #11-130458 – St. Paul Federal Credit Union, 1664 University Avenue West

Dear Ms. James,

At a meeting of the Land Use Committee of Union Park District Council 13 on April 19, 2011, the Committee reviewed the application for a conditional use permit for customer drive-through lanes with modification in setback to residential property. Based on comments from committee members, the Union Park District Council Land Use Committee took no formal action, i.e. neither oppose nor support the proposed conditional use permit for the St. Paul Federal Credit Union drive-through.

Thank you for your consideration.

Sincerely,

Sarah Kidwell
Executive Director

Histry

BOARD OF ZONING APPEALS STAFF REPORT

TYPE OF APPLICATION: Major Variance **FILE #**07-224199

APPLICANT: Bonny Godtland, SPF Credit Union

HEARING DATE: January 14, 2008

LOCATION: 1664 UNIVERSITY AVENUE WEST

LEGAL DESCRIPTION: SECTION 33 TOWN 29 RANGE 23 VAC ALLEY
ACCRUING & LOT 1 BLK 3 HOMER H HOYT CO.'S ADD
AND IN SAID SEC 33 TN 29 RN 23 EX AVE; THE W
251.44 FT OF THE E 955 FT OF THE N 182.82 FT

PLANNING DISTRICT: 13

PRESENT ZONING: B3 **ZONING CODE REFERENCE:** 65.513
Merriam Park-Lexington-Hamline, Sign District

REPORT DATE: January 4, 2008 **BY:** John Hardwick

DEADLINE FOR ACTION: February 2, 2008 **DATE RECEIVED:** December 24, 2007

A. **PURPOSE:** A variance of the setback requirements for a drive-through lane to convert an existing building from a restaurant to a credit union. The code requires that a drive-through lane and vehicle ingress/egress must be located 60 feet away from a residential property. The credit union proposes a drive-through lane 6 feet from the south property line adjoining a residential district for a variance of 54 feet.

B. **SITE AND AREA CONDITIONS:** This is an irregular shaped parcel located on the southeast corner of University and Pierce Streets. There is no alley access to the site.

Surrounding Land Use: Commercial uses along University, residential to the south and institutional to the west.

C. **BACKGROUND:** The applicant is proposing to redevelop this site as a credit union.

D. **FINDINGS:**

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

This site is currently occupied with a restaurant, a realtor's office, and a tailor's shop. The applicant is proposing to redevelop the site as a credit union with a drive-through lane. There is adequate on-site parking for the proposed use and the drive-through lane. The applicant is proposing to use the existing curb cuts and driveways. The parking area would also remain the same although it would be updated and landscaped. A Bank/Credit Union with a drive-through lane is a permitted use in the zoning district, however, the development standards for a drive-through lane require a 60-foot setback from the nearest residentially zoned property. Given the location of the existing building and the dimensions of the property, the 60 foot setback is not feasible and would prevent the reasonable use of this property under the strict application of the code.

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

The existing building is located in the northwest corner of the property. It is not possible to locate a functional drive-through lane that would meet the required 60 foot setback from residential property. The dimensions of the parcel and the location of the existing building are circumstances that were not created by the applicant or current property owners.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

This property is subject to the Central Corridor Interim zoning standards. It is not within a proposed station area and the proposed credit union is a permitted use under the interim ordinance. Since the existing building and parking will be re-used, it is not subject to the other standards such as Floor Area Ratio or parking location. The existing building was constructed in 1966 as a restaurant and has not been substantially updated since then. The applicant states that in addition to an interior remodel, the exterior of the building will be updated to reflect an aesthetic appropriate to the neighborhood. The proposed development is consistent with the Central Corridor Interim Zoning Ordinance and the requested variance is in keeping with the spirit and intent of the code.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The applicant is not proposing any additions to the building. The proposed drive-through lane will be located in the existing driveway from Pierce Street and will not affect the supply of light or air to adjacent property. Although the driveway is only 6 feet from the south property line it is over 60 feet from the nearest residential building. The proposed drive-through hours will be from 8 AM to 6 PM Monday through Friday and from 9 AM to noon on Saturday. The applicant states that the drive-through will have security cameras and will be equipped with the latest audio technology which requires less volume than traditional audio systems. The drive-through lanes and parking area are obscured from the residentially zoned property by a wood fence and shrubs. The requested variance will not change the character of the neighborhood or have an adverse impact on surrounding properties.

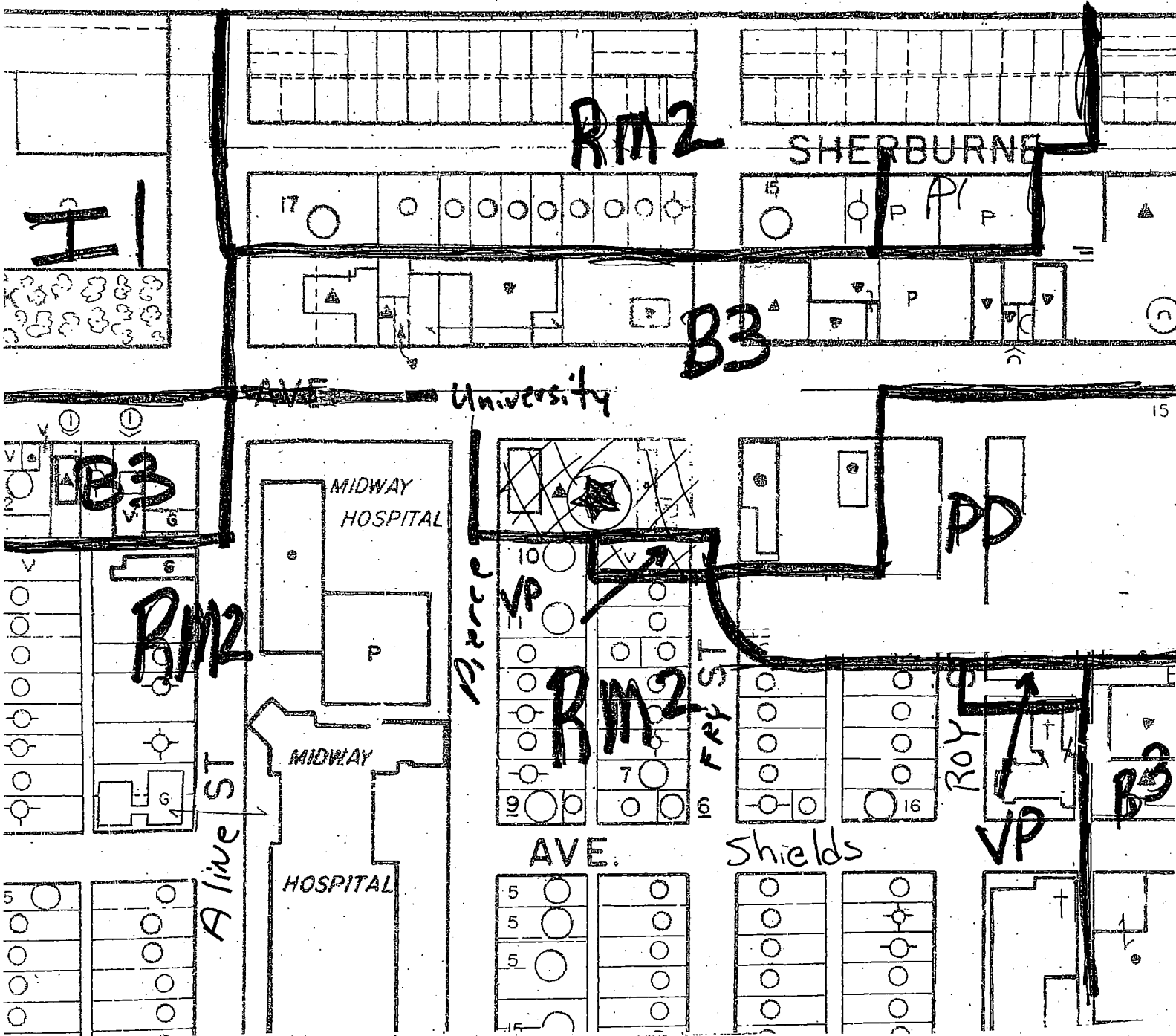
5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

A credit union with drive-through lanes is a permitted use in this zoning district. The requested variance, if granted, would not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

The applicant's primary desire is to establish a new business in this existing facility.

- E. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, we have not received a recommendation from District 13.
- F. **CORRESPONDENCE:** Staff has not received any correspondence regarding this matter.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, Staff recommends approval of the variance.



APPLICANT St. Paul Federal Credit Union

PURPOSE CUP W/ mod

FILE # 11-130 458 DATE 4-15-11

PLNG. DIST 13 Land Use Map # 18

SCALE 1" = 400' Zoning Map # 14

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Renaissance Fireworks
 2. **APPLICANT:** Renaissance Fireworks Inc.
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 2089 Hudson Road, between McKnight and Pedersen
 5. **PIN & LEGAL DESCRIPTION:** 352922440054, Registered Land Survey 200 Subj To Hwy & Emsts; Part Of Tracts I,k N & Q Lying Sly Of Nly L Of Sewer Esmt Desc In Doc 376288 & Also Ex N 70 Ft Tract P & All Of Tracts A,C,D,E,F,G,J, L,M, & Tract O
 6. **PLANNING DISTRICT:** 1
 7. **ZONING CODE REFERENCE:** § 65.526; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** April 20, 2011
 9. **DATE RECEIVED:** April 13, 2011
- FILE # 11-130-360**
HEARING DATE: May 5, 2011
PRESENT ZONING: B2
BY: Kate Reilly
60-DAY DEADLINE FOR ACTION: June 12, 2011

-
- A. **PURPOSE:** Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation.
 - B. **PARCEL SIZE:** The area to be occupied by the use is approximately 30 ft. by 45 ft. The entire parcel is 954,652 sq. ft.
 - C. **EXISTING LAND USE:** C-Retail-Multi-Use Center Parking Lot
 - D. **SURROUNDING LAND USE:**
North, East, and West: Sun-Ray Shopping Center (B2)
South: Transportation – I-94
 - E. **ZONING CODE CITATION:** §65.526 permits the outdoor sales of consumer fireworks provided certain conditions are met; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
 - F. **HISTORY/DISCUSSION:** In 2007, the City Council adopted an ordinance regulating outdoor sales of consumer fireworks (C. F. 07-633). One of the provisions of this ordinance was to first permit these sales in the B3 zoning district as a conditional use. Minnesota Statutes Sec. 624.20 Subd. 1(d) states: *"A local unit of government may not: prohibit or restrict the display of items for permanent or temporary retail sale...that comply with National Fire Protection Association Standards 1124 (2003 edition)...."* According to the State Fire Marshal, the only exception is if the local jurisdiction prohibits retail stands of all kinds, then it can prohibit the retail sale of consumer fireworks. Since the Saint Paul zoning code permits certain kinds of outdoor sales in the B2 district, Saint Paul does not fall under this exception.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council had not commented at the time this staff report was completed.
 - H. **FINDINGS:**
 1. Renaissance Fireworks proposes to occupy approximately 12 parking spaces in the parking lot formerly used by Michael's at the Sun-Ray shopping center for the purpose of selling consumer fireworks. A 30 ft. x 45 ft. tent will be erected for the sales. The leased area will also include space for a locked storage container to hold the fireworks when the business is closed. The tent is proposed to be erected on June 17th with proposed sales dates starting June 24 and ending July 5, 2011, a period of 12 sales days. Proposed hours of operation are 9 a.m. to 10 p.m. each day.
 2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 community business district subject to the standards and conditions of Section 65.526. Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul zoning code permits certain other outdoor sales in the B2 community business district. The standards and conditions for outdoor commercial sale of consumer fireworks are as follows:

- (a) *The standards and conditions of section 65.525 shall apply: Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan. This condition is met. The use is at the end of a row of parking, with no loading areas or sidewalks in the vicinity. There appears to be ample parking available for the permanent retail uses in the parking lot after the temporary loss of these 12 spaces. Reviewing aerial photos of the proposed location show that uses within 300 feet of the proposed sales area are other retail, parking lot, and public street. There is no tenant in the storefront in front of which the fireworks are proposed to be sold.*
 - (b) *The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season. This condition is partly met. The applicant will apply for the required permit from the Saint Paul Fire Marshal. The applicant proposes sales for a longer period of time (June 24 to July 5), while the zoning code limits the sales to the period from June 25 to July 5. The applicant has requested a modification of this requirement.*
 - (c) *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure. This condition is met. The applicant's plan shows a sales tent where the items will be kept. The tent is at least 30 feet from the nearest structure, the vacant storefront formerly occupied by Michael's at the far eastern end of the shopping center structure.*
 - (d) *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses). This condition is met. The closest residentially zoned or used property is at least 600 feet away.*
 - (e) *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter. This condition can be met. The buffer area does not include any portion of a public sidewalk, boulevard, street, or alley. The applicant has proposed locations for posting no smoking signs at the perimeter of the tent and storage container area and at the entrances to the drive aisles on either side of the sales area. These proposed signs are less than 50 feet from the sales area. Additional postings in the parking lot at the perimeter of the 50 ft. buffer area would comply with the requirement. The location of all no smoking signs should be placed as directed by the Fire Marshal.*
 - (f) *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser. This condition is met. There are no motor vehicle fuel dispensers in the Sun-Ray shopping center.*
 - (g) *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site. This condition is met. The applicant states that the fireworks will be stored in a secure, metal container with tamper proof locks when the business is closed.*
3. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. While the Sun-Ray-Suburban Small Area Plan Summary seeks to "restrict outdoor sales to seasonal items sold by businesses already located on the site; discourage outdoor sales by itinerant businesses," state law directs municipalities to allow the seasonal sales of legal fireworks. Since the comprehensive plan must be consistent with*

state statutes, the language in this case should be interpreted as discouraging temporary outdoor sales uses by itinerant businesses in general, but excepting seasonal outdoor sales of consumer fireworks.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site where the sales will be located should not interfere with ingress and egress from the adjacent public streets.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. This use is temporary and seasonal in nature and will not permanently change the character of the area. Provided the applicant complies with all of the requirements of the National Fire Prevention Association (NFPA) standard as enforced by the Fire Marshal, the use will not endanger the public health, safety or general welfare.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will be temporary and seasonal in nature and will not impede the development and improvement of other properties in the Sun-Ray shopping center for uses permitted in the B2 zoning district.
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use is seasonal and located in a temporary structure, and complies with applicable regulations. The sales area within the tent requires 6 off-street parking spaces, which are available in the existing shopping center parking lot.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *When strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is not met. The applicant proposes selling consumer fireworks from June 24 to July 5, 2011, rather than the more limited time (June 25 to July 5) set forth in Sec. 65.526. The applicant has asked to have the tent set up from June 17 to July 5. The applicant has not provided evidence of exceptional undue hardship for the modification. The types of outdoor sales permitted in the B2 zoning district are outdoor garden centers and seasonal farmers' markets. Both of these uses require a conditional use permit, which typically includes a restriction on dates of operation.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the modification of dates of operation and approval of the Conditional Use Permit for seasonal outdoor sale of consumer fireworks subject to the following conditions:
1. A permit from the Fire Marshal is approved and posted as required.
 2. The use complies with all local and state regulations pertaining to the sales of consumer fireworks.
 3. The consumer fireworks shall be securely stored during non-sales hours.
 4. The dates of operation are limited to June 25 to July 5.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 800 00

Fee 800

Tentative Hearing Date

5-5-11

PD-1

352922440054

APPLICANT

Name Renaissance Fireworks inc
Address 11607 Lowry Ave NE
City Mpls St. MN Zip 55418 Daytime Phone 612-840-3240
Name of Owner (if different) MARK LAZARCHE
Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address / Location 2089-2215 Old Hudson Road
Legal Description See attachment
Current Zoning B2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 526, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

CK7201
800⁰⁰

☐ Required site plan is attached

Applicant's Signature

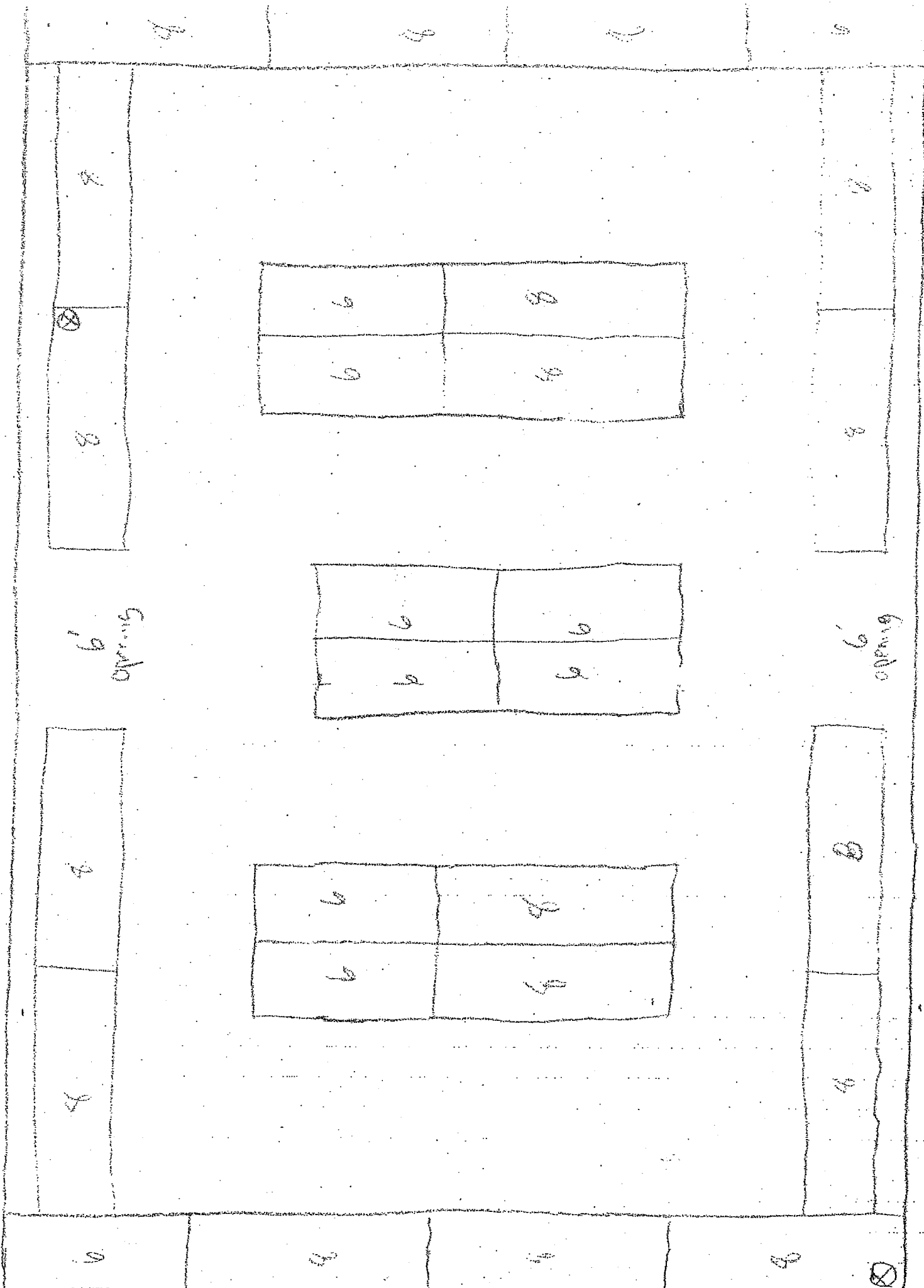
Date

4-11-11

City Agent

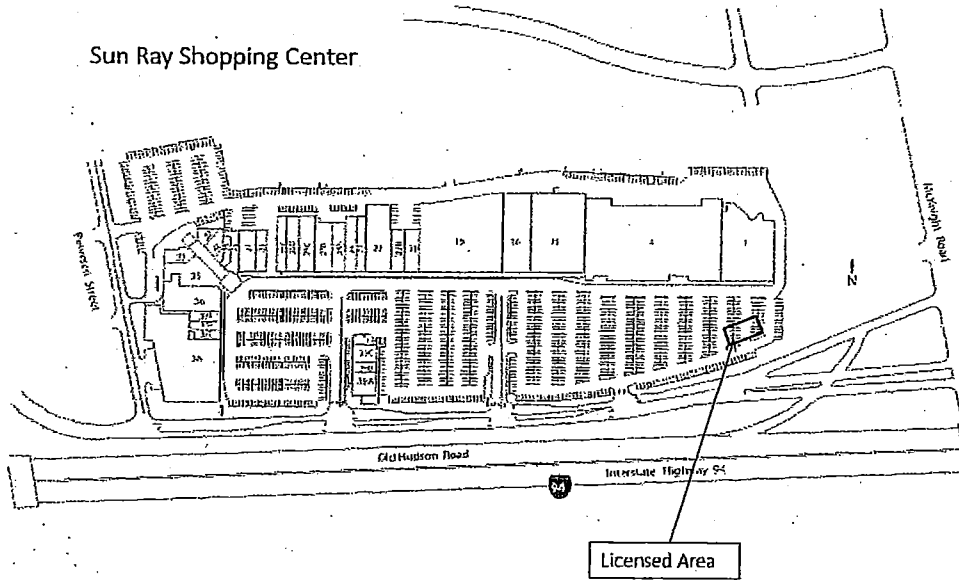
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4-13-11



30x45 Tent Layout
 18-81
 10-6'
 30
 45

Sun Ray Shopping Center



Hours of Operation

9am - 10pm

June 17th - July 5th



February 18, 2011

To Whom It May Concern:

Permission is hereby granted to Renaissance Fireworks DBA Reniassance for the exclusive right to use the properties listed below their 2011 fireworks sales.

Property	Address	City	State	Zip
Austin Town Center	1700 17th Street NW	Austin	MN	55912-6355
Marketplace @ 42	14100 South Highway 13 S	Savage	MN	55378-2192
Terrace Center	3501 West Broadway Ave	Robbinsdale	MN	55422-2936
Westwind Plaza	4703 - 4795 County Road 101	Minnetonka	MN	55345-2634
White Bear Hills Shopping Center	2671 County Road E	White Bear Lake	MN	55110-4908
Elk Park Center	19112-19216 Freeport St NW	Elk River	MN	55330-1265
Richfield Hub and West Shopping Center	36 West 66th Street	Richfield	MN	55423-2316
X Sun Ray Shopping Center	2089-2215 Old Hudson Road	St. Paul	MN	55119-4406

It is understood that the grantees will be responsible for conducting the sales in accordance with all City, County and State regulations, and the property will be left clean and free of debris, in addition to any and all of the requirements as set forth in the temporary license agreement.

Should you need anything further from the Landlord (Centro Properties Group), please feel free to contact me at 610-834-7575.

Thank you,

Laura McLaughlin
Marketing Manager

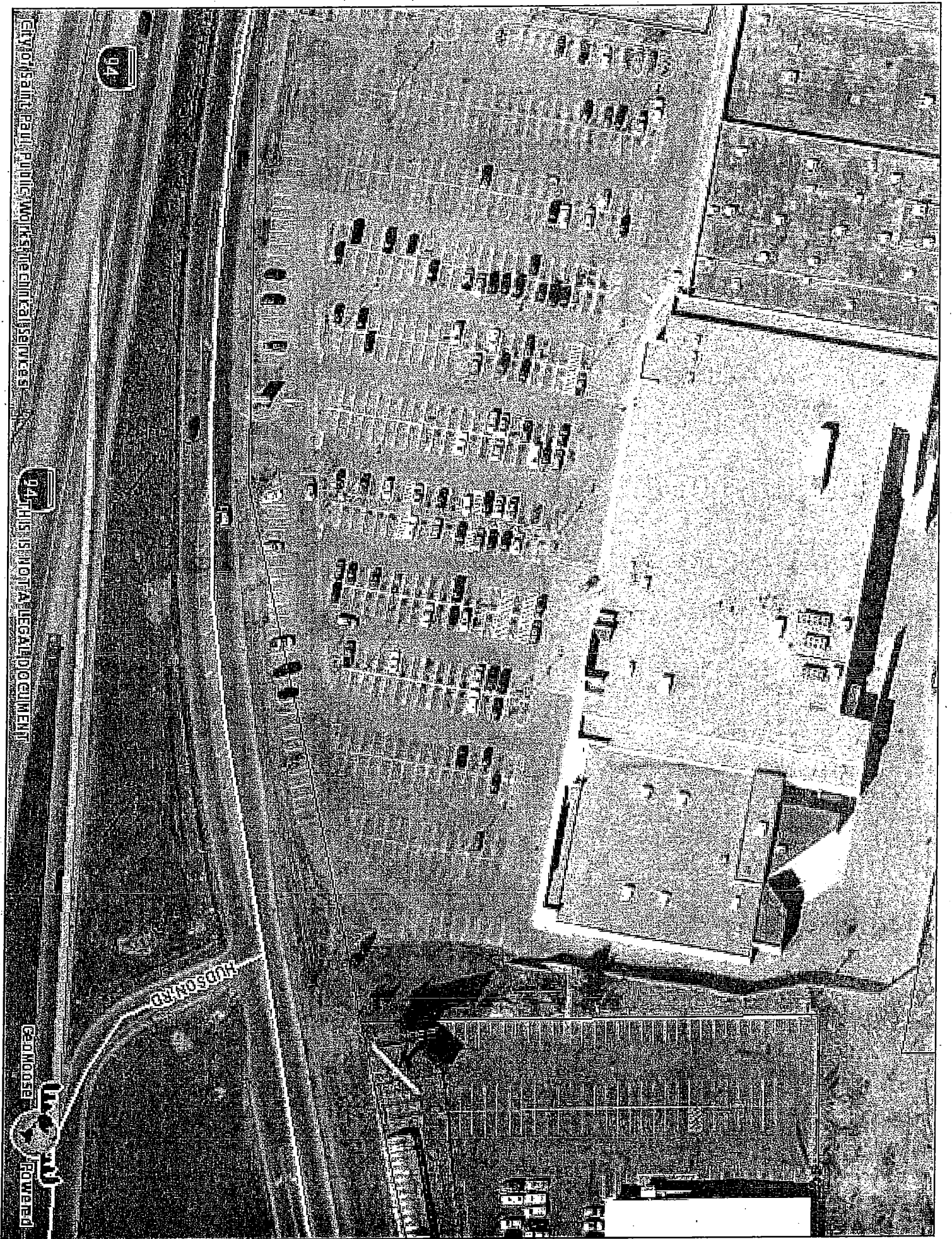
Kate Reilly - File #11-130-360; Renaissance Fireworks, 2089 Hudson Road

From: <district1council@aol.com>
To: <kate.reilly@ci.stpaul.mn.us>
Date: 4/26/2011 12:54 PM
Subject: File #11-130-360; Renaissance Fireworks, 2089 Hudson Road

Ms. Reilly, The District 1 Community Council Board met on April 25 and discussed the proposed CUP for Renaissance Fireworks at 2089 Hudson Rd. We do not support a modification of the time during which outdoor sales are permitted. Our concerns are that an increase in the length of sales will adversely affect the health, safety and welfare of the community. The parking lot locations in this area do not have safe traffic flow and the added traffic for this additional time will increase the hazards beyond what is acceptable. Members were also concerned about the excess of noise and littering that this business will represent with an extended time for sales.

However, we vote to support the CUP (8-3-2) without the modification with the understanding that the business will comply with city code, including the restriction of sales between June 25 and July 5.

Betsy Leach
Exec. Director/Community Organizer
District 1 Community Council
in SunRay Shopping Center
2105 1/2 Old Hudson Rd.
Saint Paul, MN 55119
district1council@aol.com; www.district1council.org
651-578-7600 (v); 651-578-7404 (fax)

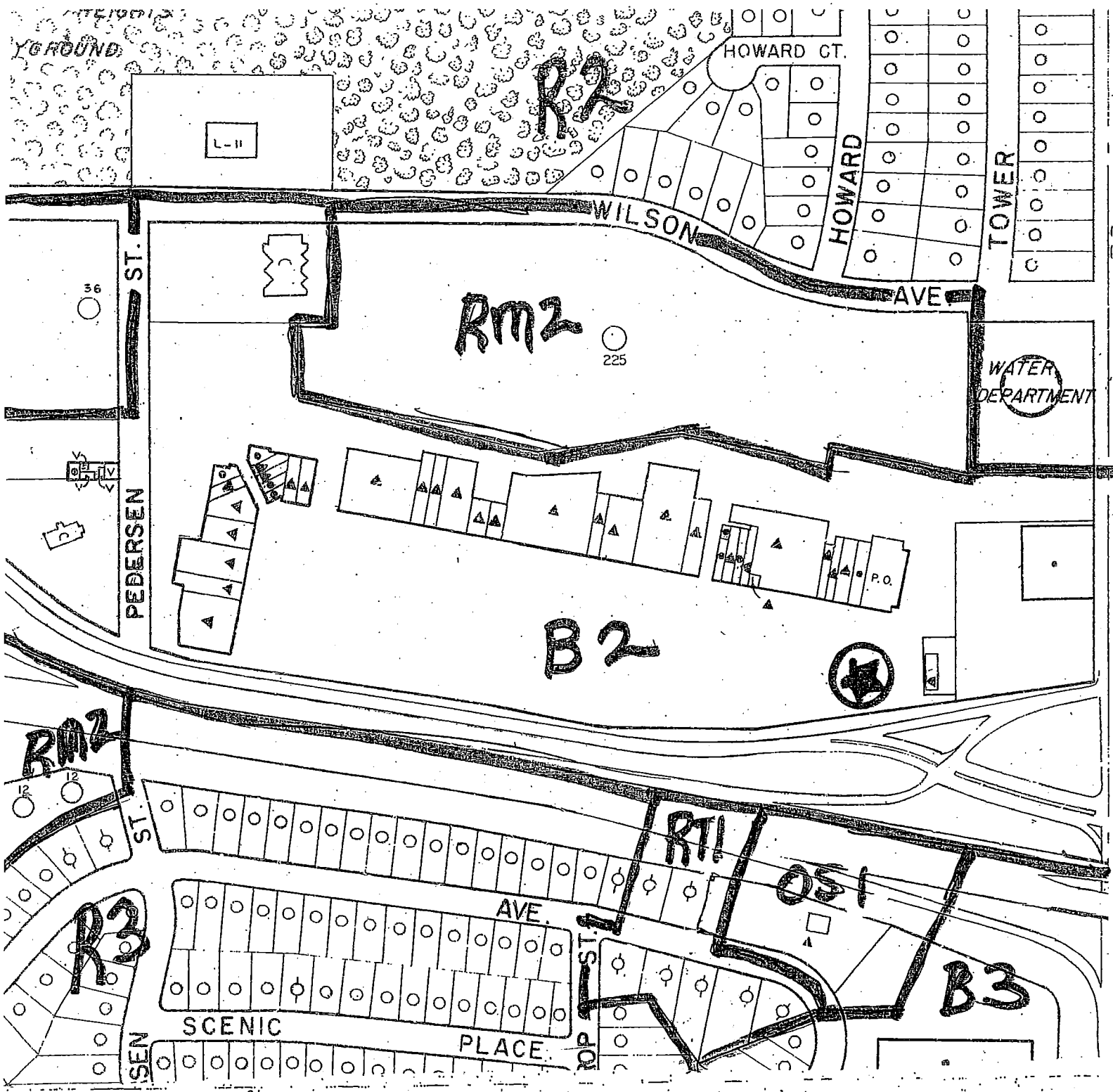


City of Saint Paul, Public Works Technical Services

94 THIS IS NOT A LEGAL DOCUMENT

CD 100033





APPLICANT Renaissance Fireworks
 PURPOSE RE-EST. NO. 1
 FILE # 11-130360 DATE 4-15-11
 PLNG. DIST. 1 Land Use Map # 24
 Zoning Map # 18

LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Capitol Lien & Title **FILE #** 11-129-965
 2. **APPLICANT:** Capitol Lien and Title / Tony Magnotta **HEARING DATE:** May 5, 2011
 3. **TYPE OF APPLICATION:** Determination of Similar Use
 4. **LOCATION:** 1010 Dale St N, between Lawson and Hatch
 5. **PIN & LEGAL DESCRIPTION:** PID 25-29-23-23-0063 & 0064; Lots 3-8, Blk 13, Como Prospect Addition
 6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 61.106, § 61.501, § 65.310
 8. **STAFF REPORT DATE:** April 27, 2011 **BY:** Kate Reilly
 9. **DATE RECEIVED:** April 12, 2011 **60-DAY DEADLINE FOR ACTION:** June 11, 2011
-

- A. **PURPOSE:** Determination of similar use for vertical wind turbines in the B3 general business district
- B. **PARCEL SIZE:** 150 ft. frontage x 126.03 ft = 18,904 sq. ft.
- C. **EXISTING LAND USE:** Business
- D. **SURROUNDING LAND USE:**
 - North: B3 - Business
 - East: RM2 - SF & Multi-family residential
 - South: B3 - Business
 - West: B3 - Business; R4 - SF residential
- E. **ZONING CODE CITATION:** § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. § 61.501 lists general conditions that must be met by all conditional uses. § 65.310 lists standards for cellular telephone antennas.
- F. **HISTORY/DISCUSSION:** A determination of similar use/conditional use permit was granted to Macalester College for a 10 kW, 102 foot high, free-standing wind turbine on the campus for a test period in 2002 (Z.F. # 02-236-646) and permanently in 2005 based on the noise monitoring during the test period (Z.F. # 05-085-530).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council had not commented at the time of the staff report.
- H. **FINDINGS:**
 1. Capitol Lien and Title proposes installing four vertical wind turbines – three building-mounted wind turbines and one on a freestanding pole – at 1010 N. Dale Street. The three proposed roof-mounted 1.5 kW turbines would extend 15.8 ft. above the surface of the roof (a 9.8 ft. tall turbine mounted on a 6 ft. monopole). The proposed freestanding 3 kW turbine itself is 18.4 ft. tall. It will be mounted on a 13 ft. monopole, a total height of 31.4 feet.
 2. § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. While § 60.103(k) of the zoning code states that a purpose of the zoning code is "to promote the conservation of energy and the utilization of renewable energy resources," the zoning code does not list wind turbines as a permitted use.

3. § 61.106 states that in making a similar use determination the planning commission shall make the following findings:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding can be made. *Cellular telephone antenna* is a principal use permitted in the B3 general business district. Cellular telephone antennas can be mounted on a roof or on a freestanding pole. Vertical wind turbines are similar in character to cellular telephone antennas in that they can be mounted on a roof or on a freestanding pole.
 - (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding can be made. The minimal traffic generated by wind turbines is similar to the minimal traffic generated by cellular telephone antennas.
 - (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is made. "Wind turbine" is not listed as a permitted use in any zoning district.
 - (d) *The use is consistent with the comprehensive plan.* This finding is made. While the Saint Paul Comprehensive Plan does not contain any policies specifically related to wind turbines, the use is consistent with broad policies in the comprehensive plan for energy conservation and sustainable use of renewable energy resources. The proposed wind turbines are consistent with the intent and purpose of the zoning code "to implement the policies of the comprehensive plan," including the purpose specifically stated in § 60.103(k) of the zoning code "to promote the conservation of energy and the utilization of renewable energy resources."
4. § 65.310 provides for cellular telephone antennas in the B3 general business district as permitted uses if they are building-mounted and as conditional uses if they are freestanding. The standards and conditions listed in § 65.310 for cellular telephone antennas in the B3 general business district that might also be applicable to the proposed wind turbines, and the consistency of the proposed wind turbines with them, are as follows:
 - (b) *In . . . OS-B3 . . . business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.* The proposed roof-mounted wind turbines are reasonably consistent with this standard. The applicant proposes to mount the turbines on 6 foot monopoles to protect the turbines and to protect people on the roof from bumping into the turbines. The turbines themselves are 9.8 feet high. Together with a 6 foot pole, the top of the turbines would be 15.8 feet above the roof surface itself, and 14.3 feet above the top of the 18 inch parapet.
 - (d) *In . . . business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*
 - (1) *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.* The proposed 31.4 foot tall wind turbine on a free-standing pole is consistent with this standard.
 - (2) *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.* The wind turbine is not located in a required front or side yard. The location of the proposed pole is 51 feet from the nearest residential property, and farther from the nearest residential structure, consistent with this standard.

- (3) *The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment.* The proposed wind turbine and pole would have non-reflective subdued finishes consistent with this standard.
 - (4) *In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.* The lot is within a large contiguous area of B3 and industrial zoning consistent with this standard.
 - (g) *Freestanding poles shall be a monopole design.* The proposed freestanding pole is a monopole design consistent with this standard.
 - (h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.* The applicant states that all electrical equipment related to the wind turbines will be located in the existing building, and wires from the freestanding turbine to the electrical equipment will be buried.
5. § 65.310 provides for cellular telephone antennas on a freestanding pole in the B3 district as a conditional use. In a determination as to the similarity of a wind turbine on a freestanding pole in the B3 district to cellular telephone antennas on a freestanding pole in the B3 district, it is therefore appropriate to review the proposed wind turbine for conformance with the general standards in § 61.501 that apply to approval of all conditional use permits:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The wind turbine is consistent with this standard as stated in Finding 3(d).
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The turbine will generate minimal traffic and is consistent with this standard.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* The appearance of the wind turbine will be consistent with the appearance of light poles in the parking lot and general area, and will not be detrimental to the existing character of the development in the immediate neighborhood.

The impact of noise generated by wind turbines is affected by a number of variables. Noise monitoring found the noise generated by the 10 kW turbine at Macalester to be imperceptible because of the ambient noise in the area. In order for a sound to be heard over ambient noise, it must be twice as loud as the ambient noise. Noise generated by the turbines increases with wind speed, while increased wind also increases ambient noise. Noise goes down 6 dB(A) for each doubling of distance from the source. Cumulative noise is measured logarithmically. For example, two things making noise at 50 dB(A) would have a cumulative sound of 53dB(A) and four would generate a sound level of 56 dB(A).

The noise generated by the 3000 watt wind turbine is 55 dB(A) at a wind speed of 11 mph and 65 dB(A) at 22 miles per hour. A speed limiter starts at a wind speed of 28 mph, and the turbine shuts down at a wind speed of 33 mph. Based on the data provided, it appears that the turbine will meet the L10 city sound level limit standard of 70 dB(A). The city noise standard in residential districts is an L10 of 65dB(A) in the daytime (7:00 a.m. to 10:00 p.m.) and an L10 of 55dB(A) at night (10:00 p.m. to 7:00 a.m.). Also, the Minnesota noise

pollution rules for residential areas have an L50 standard of 60 dB(A) in the daytime and an L50 of 50 dB(A) at night. These are measured at the point of nearest human activity. Based on the data provided and the distance to residential property, it appears that the turbine may meet the 65 dB(A) daytime city noise standard for residential districts. While wind generally blows at a lower speed in the night time, the proposed turbines are close enough to the point of nearest human activity on residential property, that these standards could be violated, particularly with the cumulative noise of the four proposed turbines. In order to protect the public health and welfare and reduce the likelihood of violations of the city and/or state noise standards, a more detailed noise impact analysis performed by an acoustical engineer is required. Section 293.08(b) of the Saint Paul Legislative Code states that any city department or agency may require a noise impact statement in association with any change in zoning classification, in planning of a structure, or in any operation, process, installation or alteration which may be considered as a potential noise source.

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed wind turbine is consistent with this standard.

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The proposed wind turbine is consistent with this standard.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a determination of similar use for three 1.5 kW roof-mounted vertical wind turbines and one 3.0 kW vertical wind turbine on a freestanding pole (with a total height of 31.4 feet) in the parking lot, in the B3 general business district, at 1010 N. Dale Street, subject to the condition that the applicant provides a noise impact statement to the Zoning Administrator, completed by an acoustical engineer, showing that when in operation, the sound levels from the four proposed wind turbines will be in compliance with the requirements of Saint Paul Legislative Code 293 and Minnesota Rules 7030.

DETERMINATION OF SIMILAR USE APPLICATION



Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102
(651) 266-6589

Zoning office use only

File no 11-129965
Fee 700.00
Tentative hearing date: 5-5-11

PD-6

25292323.0063

APPLICANT

Name Capitol Lien + Title / Tony Magnotta
Address 1010 North Dale Street
City St. Paul St MN Zip 55117 Daytime phone 651-488-0300
Name of owner (if different) —
Contact person (if different) — Phone —

PROPERTY LOCATION

Address/Location 1010 North Dale Street
Legal description: Lots 3, 4, 5, 6, 7 + 8 of Lemo-Prospect Add. Current Zoning B-2
(attach additional sheet if necessary)

REQUEST: Application is hereby made under the provisions of Chapter 61, Section 106 of the Zoning Code for a Determination of Similar Use.

Current use Office Building
Proposed use Office Building powered by Wind turbines

SUPPORTING INFORMATION: Provide the following information (attach additional sheets if necessary).

☒ Is the use similar in character to one or more of the principal uses permitted in the zoning district?

Yes, the proposed use of small vertical wind turbines VWT's are similar to cell phone towers + light standards.

☒ Is the traffic that the use will generate similar to traffic generated by one or more permitted uses?

There may be a slight increase in traffic from interested parties.

☐ Is the use already permitted in a less restrictive zoning district?

No - St. Paul has no zoning for Wind Turbines.

Required site plan is attached ☒

Applicant's signature

T. Magnotta

Date

4-12-11

City agent

pdd

4-12-11

MINNESOTA WIND TECHNOLOGY

1010 North Dale Street
Saint Paul, Minnesota 55117
(651) 214-6320
Dann@MnWind.US

April 12, 2011

Mr. Allan Torstenson
City of Saint Paul
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
Saint Paul, Minnesota 55102

Dear Mr. Torstenson,

Attached please find, pursuant to our discussions with City staff, Capital Lien and Title's Application for Determination of Similar Use, for 4 vertical wind turbines, (VWAT's) at 1010 North Dale Street.

Along with our Application you will find pictures of the proposed VWATs, a site plan, and engineering plans for both the pole in the parking lot and the 3 roof mounted units. In answer to the questions Kate Riley had, the parking lot pole for the DS3000 will be 13 feet tall. In regards to the cut-off speed, that is 33 MPH. Supporting documentation is attached.

Lastly, since the issues of noise and sound levels have been raised, you will find sound testing data and certification by TUVNel.

If you need any additional data, please don't hesitate to contact us.

Thanking you again, for your cooperation and assistance in this manner, we remain,

Respectfully yours,

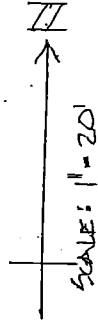


Daniel D. Dobson J.D.
Vice-President of Governmental Relations

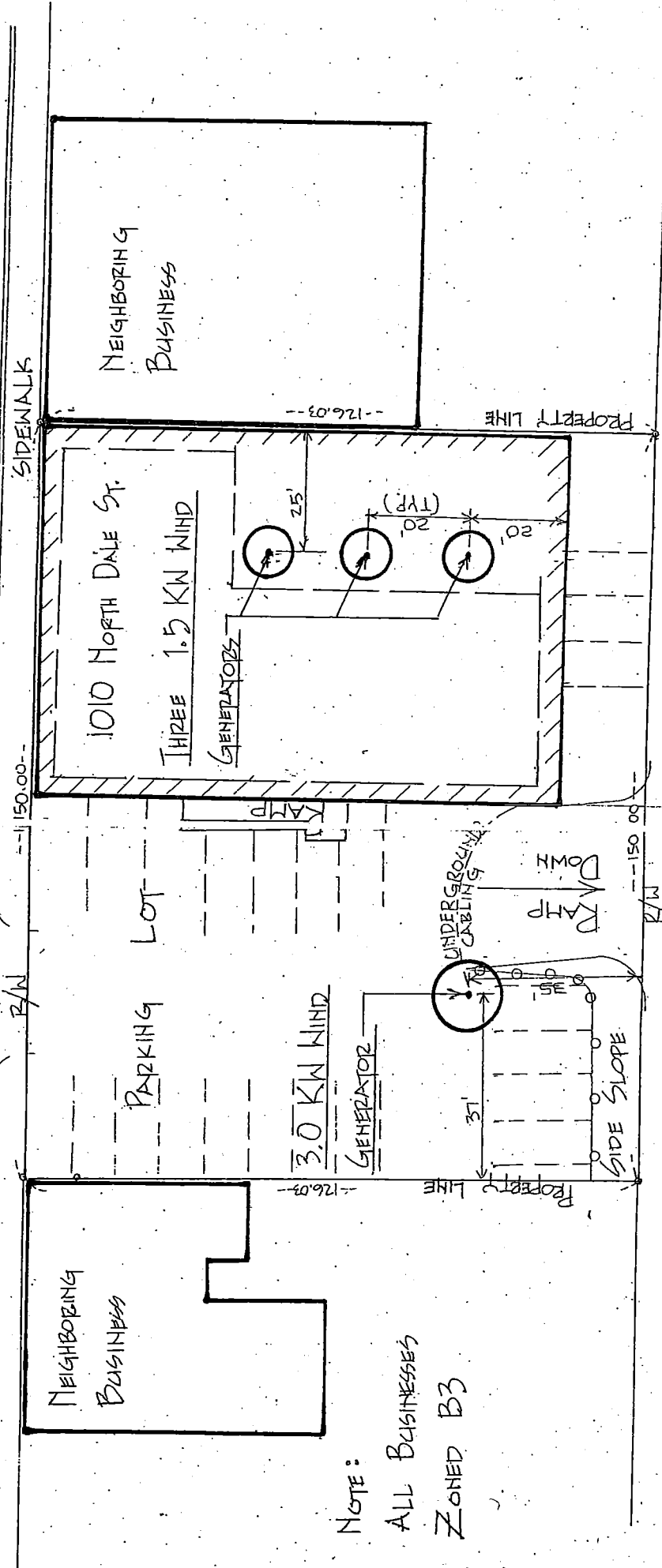
Cc: Tony Magnotta – Capitol Lien and Title
Jay Nygard - Minnesota Wind Power

ZONED K4-

NORTH DALE STREET



SEWER & GUTTER



NOTE:
ALL BUSINESSES
ZONED B3

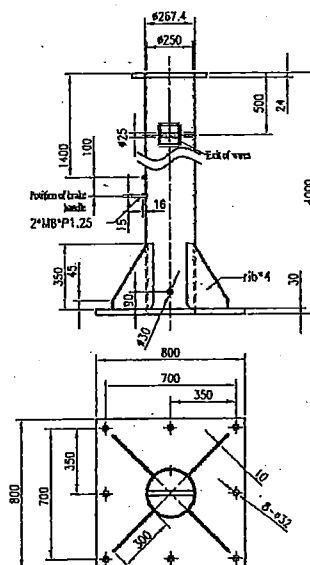
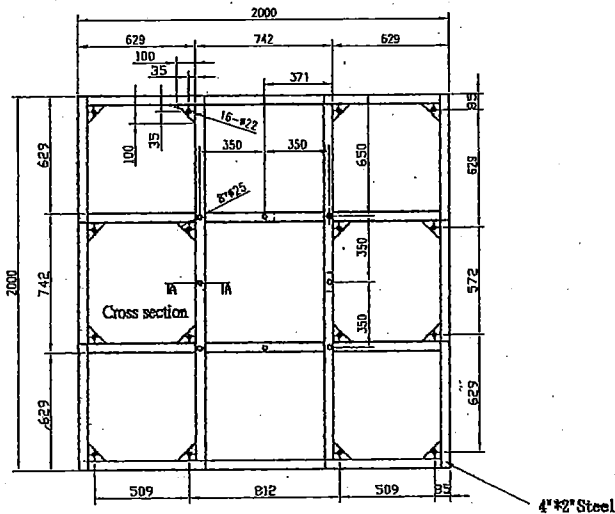
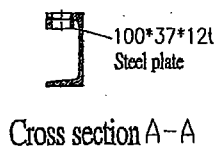
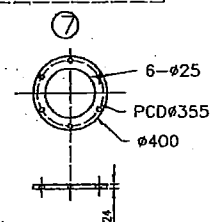
ALLEY

ZONED RM2

PROPOSED SITE IMPROVEMENTS
1010 NORTH DALE STREET

THOM 3.29.2011

8-811*



Galvanizing by dipping-400g/m²

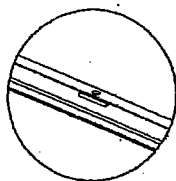
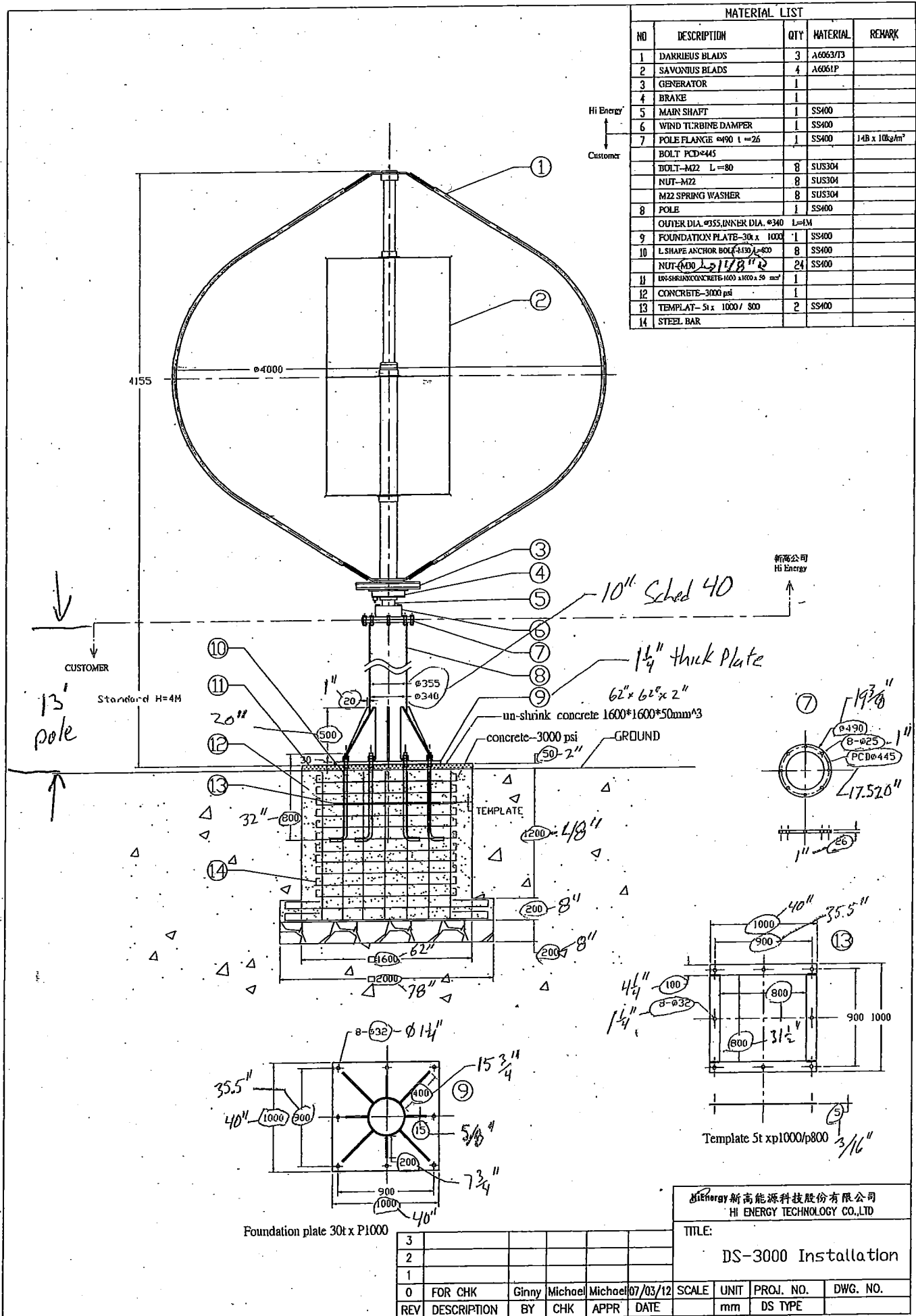


Image of welding of bottom stands

MATERIAL LIST				
NO	DESCRIPTION	QTY	MATERIAL	REMARK
1	DARRIEUS BLADE	3	A6053/T3	
2	SAVONIUS BLADE	4	A6061P	
3	GENERATOR	1		
4	BRAKE	1		
5	TURBINE AXIS	1	SS400	
6	FIXING STAND	1	SS400	
7	FLANGE $\phi 400$ t=24	1	SS400	108x103mm
	FIXING BOLT PCD $\phi 355$			
	HEXAGON FIXING BOLT M22 L=80	6	SUS304	
	SCREW HEAD M22	6	SUS304	
	M22 SPRING WASHER	8	SUS304	
8	POLE	1	SS400	
	OD $\phi 257.4$ ID $\phi 250$ L=4M			
9	BOTTOM STAND 30 ϕ 800	1	SS400	
10	BOTTOM FLAME $\phi 2000$	1	SS400	
11	CHEMICAL SCREW BOLT M16 $\phi 150$	16		
12	MECHANICAL BRAKE	1		

△					FINISHING	VAWT 新高能源科技股份有限公司 HI VAWT TECHNOLOGY CO.,LTD	
△					MATERIAL		
△					APPROVED		
NO. 03.15							
SYN. DATE	DESCRIPTION OF REMISSIONS	DRAWN	APPROVED	CHECKED		PART NO.	F-00032
TOLERANCES OTHERWISE SPECIFIED LENGTH, ANGLE				DESIGNED		TITLE	DS-1500 FLAT ROOF INSTALLATION DIAGRAM
UNIT	SIZE A3	SCALE 1:25	DRAWN	Omar	10.08.27	DRAWING NO.	△

MATERIAL LIST				
NO	DESCRIPTION	QTY	MATERIAL	REMARK
1	DARRIEUS BLADES	3	A6063/T3	
2	SAVONIUS BLADES	4	A6061P	
3	GENERATOR	1		
4	BRAKE	1		
5	MAIN SHAFT	1	SS400	
6	WIND TURBINE DAMPER	1	SS400	
7	POLE FLANGE $\phi 490$ L=26	1	SS400	14B x 10kg/m ²
	BOLT PCD=445			
	BOLT-M22 L=80	8	SUS304	
	NUT-M22	8	SUS304	
	M22 SPRING WASHER	8	SUS304	
8	POLE	1	SS400	
	OUTER DIA. $\phi 355$ INNER DIA. $\phi 340$ L=4M			
9	FOUNDATION PLATE-30t x 1000	1	SS400	
10	L-SHAPE ANCHOR BOLT- $\phi 19$ L=80	8	SS400	
	NUT- $\phi 19$ L=1/8"	24	SS400	
11	UN-SHINK CONCRETE-1000 x 1000 x 50	1		
12	CONCRETE-3000 psi	1		
13	TEMPLAT-5t x 1000 / 800	2	SS400	
14	STEEL BAR			



Ericksen Roed & Associates

Structural Engineers
2550 University Avenue West Ste 201-S
Saint Paul, Minnesota 55114-1904
Telephone: 651-251-7570
Facsimile: 651-251-7578

Project Report:

PROJECT: 1010 North Dale Street Wind Turbine Support

TO: Thom Ritchie
Go Green Energy, LLC
1386 Rest Point Road
Orono, MN 55364

DATE OF REPORT: 12/21/10

ER COMMISSION NO: 2010312-00

Project Location: Capitol Lein
1010 North Dale Street
St. Paul, MN 55117

I. PROJECT INFORMATION:

- A. This report summarizes the findings of Ericksen Roed & Associates as related to the installation of three (3) 1.5 kw wind turbines on the roof of the existing structure located at the address noted above.

II. WIND TURBINE INFORMATION (from installer and manufacturer):

- A. The wind turbines shall be model DS-1500 as manufactured by Hi-Vawt Technology Co.
- B. The wind turbine will be installed at an elevation approximately 6'-0" above the roof of the existing structure.
- C. The support of the turbine shall be a 10" Diameter pipe and will have a circular cap plate with six (6) bolts as directed by the turbine manufacturer.
- D. Everything above the circular cap plate is to be provided by the turbine manufacturer.
- E. The area of the turbine that is "solid" is approximately 35% of the total area of the turbine head.

III. EXISTING BUILDING INFORMATION:

- A. The existing building is a 100' x 75' one story structure with full basement.
- B. The original construction was completed in 1961 or 1962 per the building owner.
- C. It is constructed as follows:
- a. The roof is 3 bays (25'-0" each) framed using steel roof deck on 14" steel bar joists supported by 16" deep wide flange steel beams and 4" diameter steel pipe columns. Columns are believed to be spaced at approximately 20'-0" oc.
 - b. The exterior walls are 12" concrete block.

- c. The main floor level is precast plank/topping supported by wide flange steel beams and steel columns.
- d. Foundation information is not known at this time.

IV. SUPPORT OF WIND TURBINES ON EXISTING ROOF:

- A. See attached sheet S1 for a partial roof framing plan.
- B. Attach a 10" Diameter – Schedule 40 pipe to the existing steel beam using two steel angles/steel plate as shown in the attached "Section A" on sheet S2.
- C. Install angle kickers/ tube header as shown in "Section A" on sheet S2 on both sides of steel pipe per partial roof framing plan on sheet S1.
- D. Note the following information:
 - a. All steel angles and plates shall be ASTM A36 steel ($F_y = 36$ ksi).
 - b. All steel pipe shall be ASTM A53 – Grade B steel ($F_y = 35$ ksi)
 - c. All steel tubes shall be ASTM A500 – Grade C steel ($F_y = 46$ ksi)
 - d. All welding shall be performed by AWS certified welders using E70xx electrodes.

V. DISCLAIMERS:

- A. The opinions and recommendations contained in this report are based on the information provided to Ericksen Roed & Associates, as noted above, and on the calculations which were performed based on the information.
- B. This report applies only to those items noted above and do not reflect any conditions of the existing structure beyond that which is noted above.
- C. Ericksen Roed & Associates shall not be responsible for the means, methods, procedures, techniques or sequences of construction, nor for safety on the job site, nor shall Ericksen Roed & Associates be responsible for the Contractor's failure to carry out the work in accordance with the contract documents.

If you have any questions concerning the above information, or if we may be of further assistance to you, Please feel free to contact us.

Submitted by,

James A. Krzoska, PE
William T. Buller, PE, SE
ERICKSEN ROED AND ASSOCIATES

cc: Tony Magnotta
CEO/ Capitol Lien
1010 North Dale Street
St. Paul, MN 55117

Ericksen Roed & Associates

Structural Engineers

Saint Paul Office
2550 University Avenue West, Ste. 201-S
Saint Paul, Minnesota 55114-1904
Telephone: 651-251-7570
Facsimile: 651-251-7578

Eau Claire Office
3610 Oakwood Hills Parkway, Ste. #1
Eau Claire, Wisconsin 54701
Telephone: 715-552-5336
Facsimile: 715-552-5373

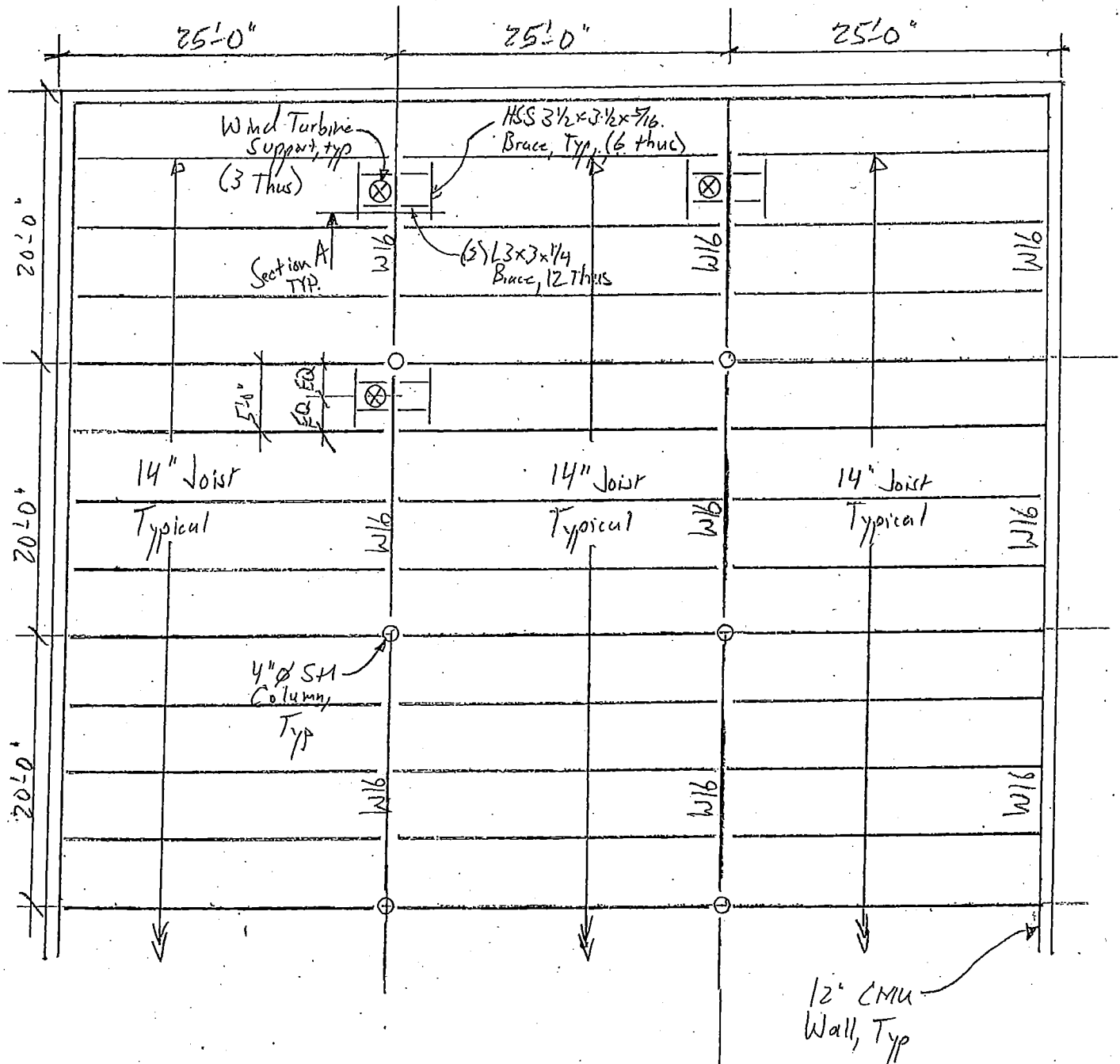
Page No. 51

Job 1010 Dale Street

Comm. No. 2010312.00

Date 12/17/10

Name JHK



① Partial Roof Framing Plan

NTS

Note: Field Verify all existing dimensions/conditions prior to fabrication of any materials.

Ericksen Roed & Associates

Structural Engineers

Saint Paul Office
2550 University Avenue West, Ste. 201-S
Saint Paul, Minnesota 55114-1904
Telephone: 651-251-7570
Facsimile: 651-251-7578

Bau Claire Office
3618 Oakwood Hills Parkway, Ste. #1
Bau Claire, Wisconsin 54701
Telephone: 715-552-5336
Facsimile: 715-552-5373

Page No. S2

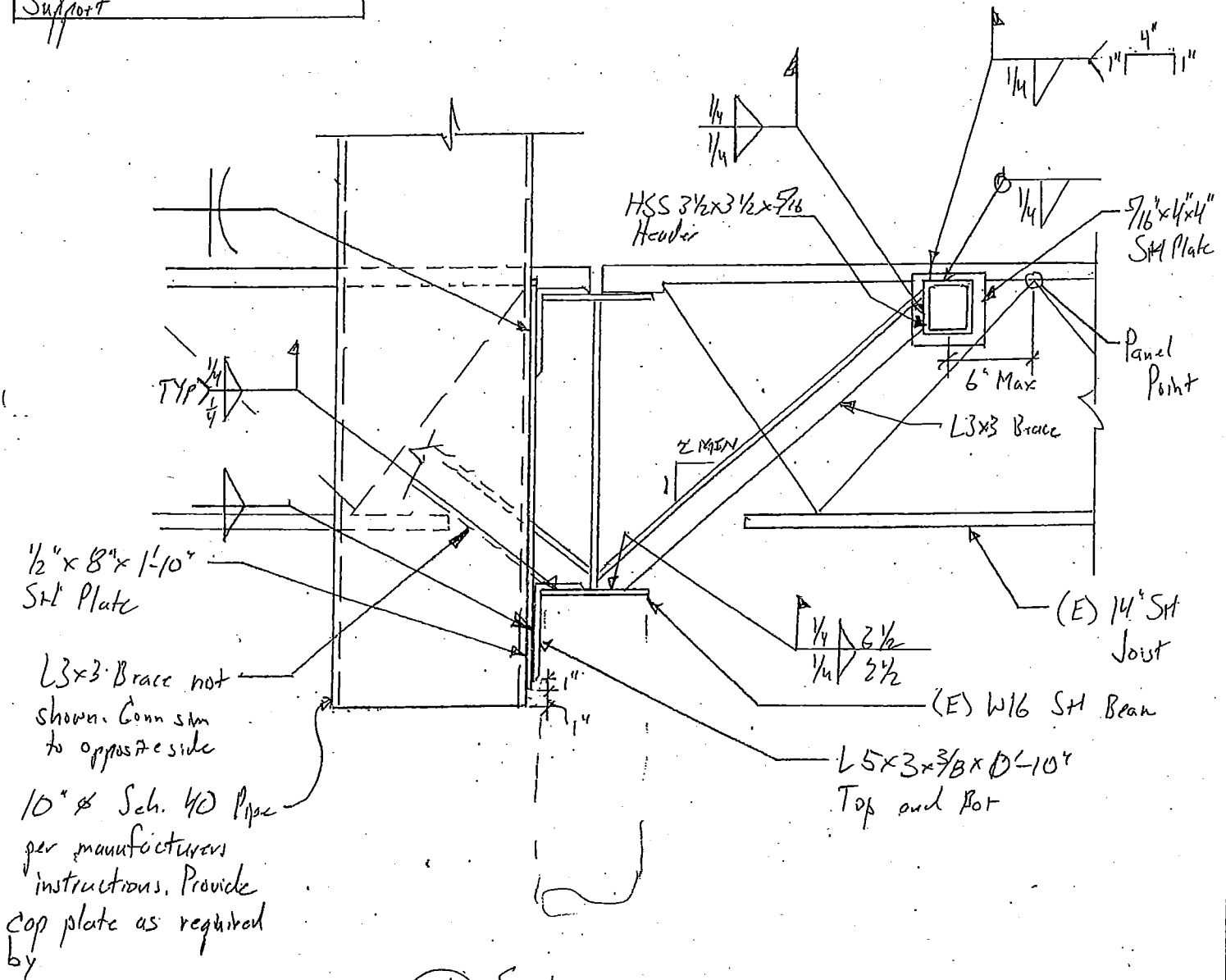
Job 10/0 N. Dale St.

Comm. No. 2010312-00

Date 12/17/10

Name JAK

Note: Remove and replace
Steel Roof deck as
required to install turbine
Support



(A) Section

Hi Energy DS3000 Specs

Rotor Specifications

Blade Diameter	13.1 ft (4.0 m)
Height (Including Stand)	18.4 ft (5.6 m)
Blade Number	4
Blades Material	Aluminum
Stand Material	SS400
Cut-in Wind Speed	5.5 mph (2.5 m/s)
Rated Wind Speed	26.8 mph (12m/s)
Rated rpm	180 rpm
Cut-out Wind Speed	33.5 mph (15m/s)
Survival Wind Speed	131 mph (60m/s)
Weight (Including Stand)	1500 lbs. (680kg)

Generator Specifications

Generator Type	AC, 3 Phases Synchronism PMG
Rated Power	3000 W

Inverter System

MPPT, Over-speed Brake Control, Battery Charge

Output Voltage	48 V DC
Output Current	< 130 Amp

Battery 12V, 100AH; Deep Cycle Lead-Acid Battery, Gel Type

Braking System

Overspeed Braking Control	Automatic Short-Circuit Braking System
Manual Braking System	Drum Brake

Operation Temperature

Ambient Temperature	-10 ~ 40 °
Ambient Humidity	95% Maximum

Hi Energy DS1500 Specs

Rotor Specifications

Blade Diameter	9.2 ft (2.8 m)
Height (Including Stand)	9.8 ft (3.9 m)
Blade Number	3
Blades Material	Aluminum
Stand Material	SS400
Cut-in Wind Speed	5.5 mph (2.5 m/s)
Rated Wind Speed	26 mph (12m/s)
Rated rpm	250 rpm
Cut-out Wind Speed	33 mph (15m/s)
Survival Wind Speed	131 mph (60m/s)
Weight (Including Stand)	772 lbs. (350kg)

Generator Specifications

Generator Type	AC, 3 Phases Synchronism PMG
Rated Power	1500 W

Inverter System

MPPT, Over-speed Brake Control, Battery Charge

Output Voltage	48 V DC
Output Current	< 60 Amp

Battery 12V, 100AH; Deep Cycle Lead-Acid Battery, Gel Type

Braking System

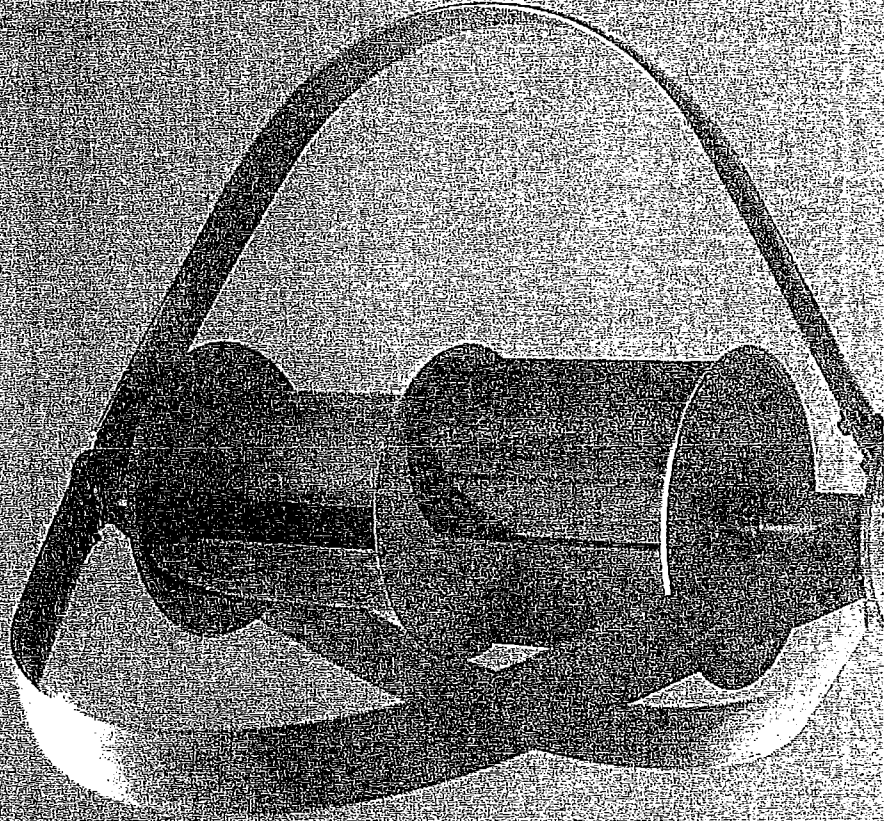
Overspeed Braking Control	Automatic Short-Circuit Braking System
Manual Braking System	Drum Brake

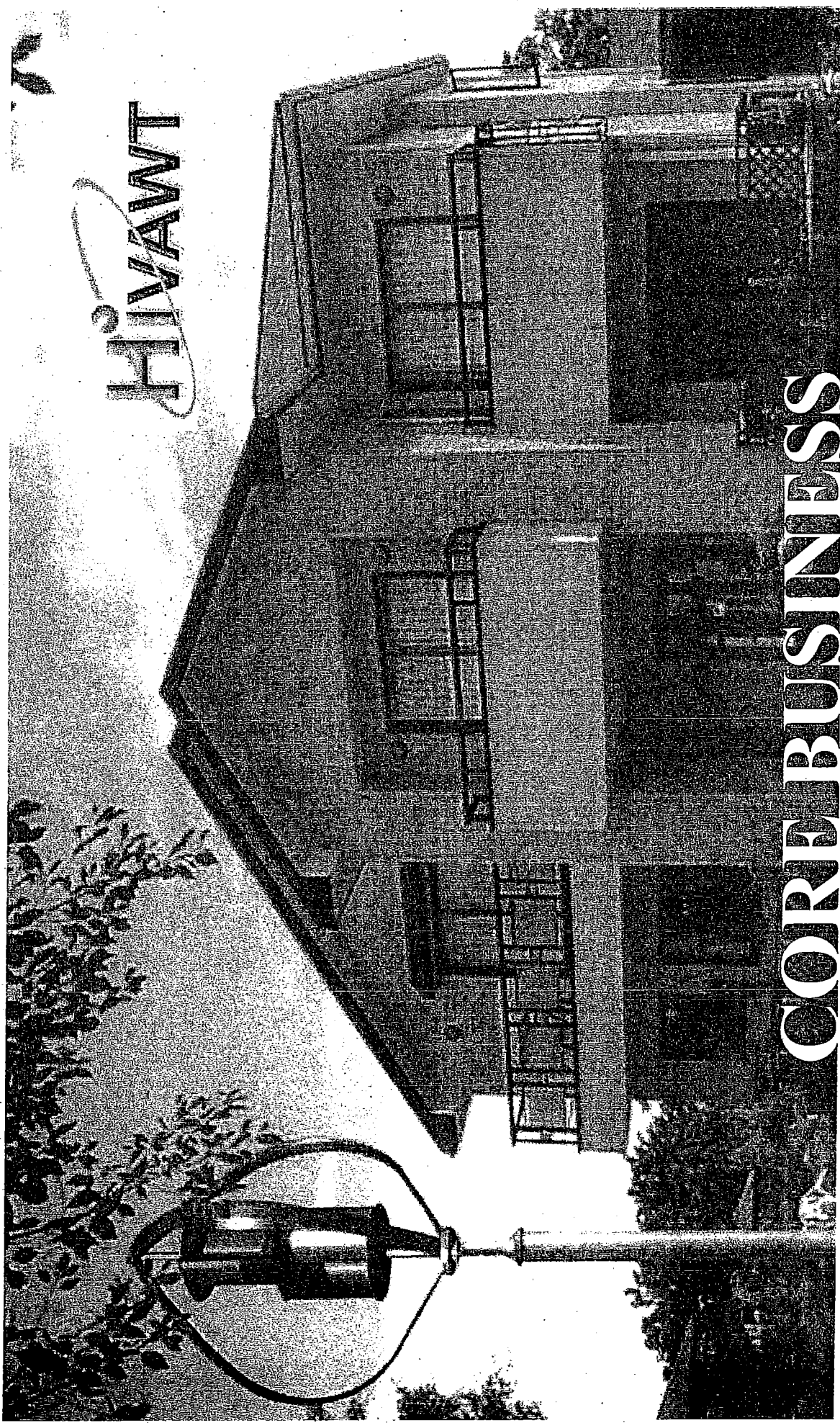
Operation Temperature

Ambient Temperature	-10 ~ 40 °
Ambient Humidity	95% Maximum

Hi-VAWT SWT

Create Blue Ocean Business for Renewable Energy





HIVAWT

CORT BUSINESS

Samantha Langer - Fwd: Re: 1010 N. Dale Wind turbines

From: Kate Reilly
To: Langer, Samantha
Date: 4/28/2011 1:04 PM
Subject: Fwd: Re: 1010 N. Dale Wind turbines

Please send this to the planning commission/zoning committee.

Thanks,
Kate

Kate Reilly
Department of Planning and Economic Development
25 West Fourth Street, Suite #1300
Saint Paul, MN 55102
Tel: 651.266.6618
Fax: 651.228.3261
kate.reilly@ci.stpaul.mn.us

Saint Paul - The Most Livable City in America

>>>

From: Kate Reilly
To: Bloom, Jim; Boulware, Christine; Dubruel, Paul; James, Patricia; Lane, Wendy; Montgomery, Mary; Torstenson, Allan; Zacho, Karen
Date: 4/28/2011 12:44 PM
Subject: Re: 1010 N. Dale Wind turbines

Hello,

Just a clarification of Mary's comments.

The rooftop mounted turbines are 1,500 Watt turbines (1.5 kW).

The pole mounted (18' high) turbine is a 3,000 Watt turbine (3.0 kW)

Thanks,
Kate

Kate Reilly
Department of Planning and Economic Development
25 West Fourth Street, Suite #1300
Saint Paul, MN 55102
Tel: 651.266.6618
Fax: 651.228.3261
kate.reilly@ci.stpaul.mn.us

Saint Paul - The Most Livable City in America

>>> Mary Montgomery 4/28/2011 12:36 PM >>>
Hello

These photos were taken at the open house for this pilot wind turbine program on Wednesday evening April 27th at 1010 North Dale St. The turbine on the pole in photo 1 is just a sample of what they will look like in place but much smaller. Photos 2 and three show size and the airfoil edge of the blades. Photo 4 is one of the rooftop blades. The man in the photo is 6' tall. Photo 5 is a blade from the larger turbine to be installed in the parking lot.

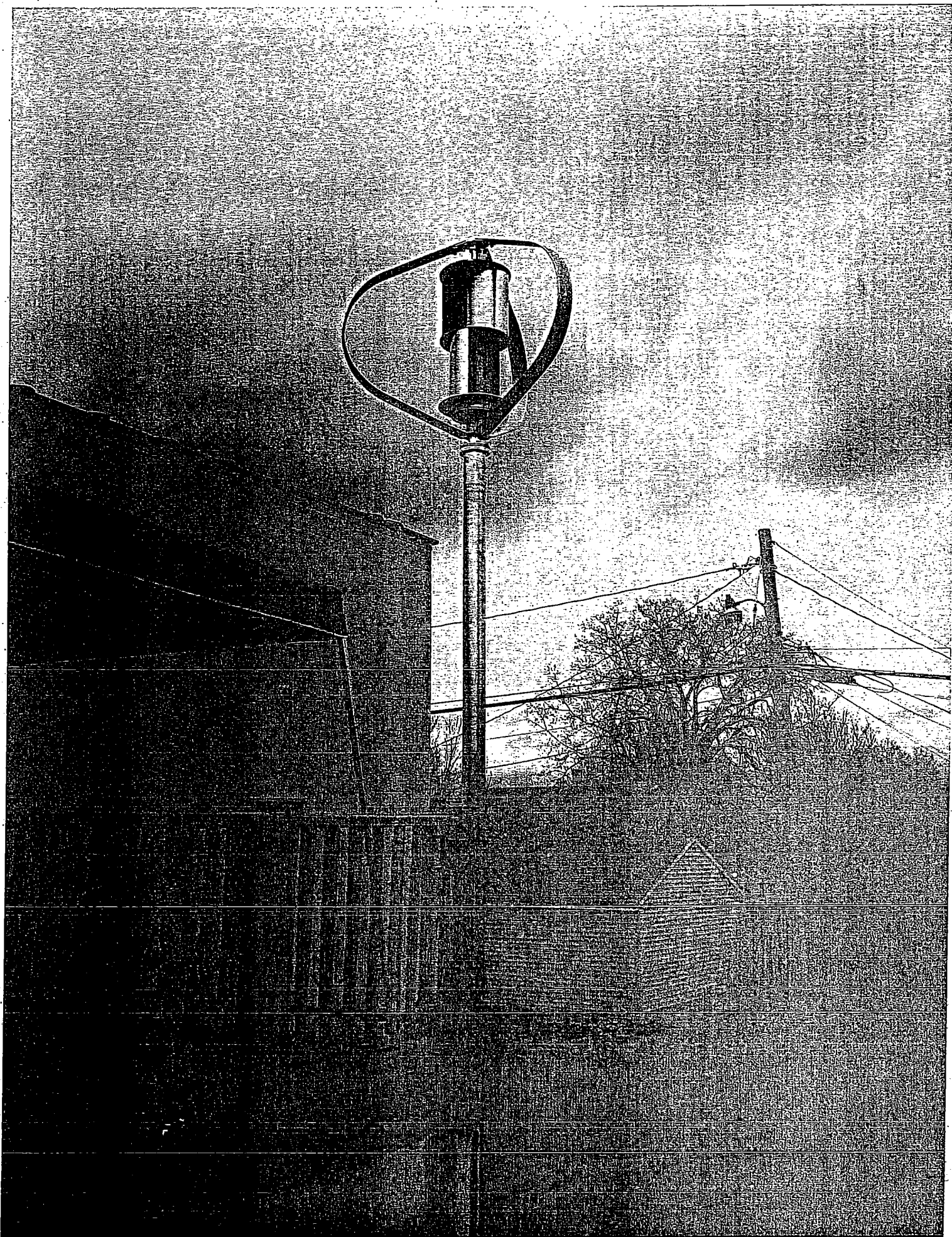
There was very little wind that evening so the sample turbine was moving slowly. There was no noise or vibration to the touch coming from the pole. The street noise on Dale was high and the event hosts were projecting that it would be higher than the noise generated by the larger turbines. According to the hosts, the unknowns include effects on birds and maybe some types of television reception.

The actual blades to be used are leaning against the fence. These are the Darrius blades. There are two outer Darrius blades per turbine and a Savonius inner blade. The Savonius is a drag-type turbine which operates in the same way as a cup anemometer. According to one web site, Savonius wind turbines typically only have an efficiency of around 15% - i.e. just 15% of the wind energy hitting the rotor is turned into rotational mechanical energy. This is much less than can be achieved with a Darrius turbine which uses lift rather than drag. The model in the photos uses both technologies. The Savonius will start the turbine moving and the Darrius will take over once it gets spinning.

The larger turbine will be 18' High and 13' wide mounted on top of a 10' pole. This turbine will be installed in the parking lot. This larger turbine is capable of generating 3,000 KW and I was told at peak performance would take care of the needs of a single family household.

The smaller blade shown is for one of the three, 1,500 KW turbines that will be placed on the rooftop. These 9' tall turbines will be mounted on top of 7' tall poles. The setback from Dale St. on the rooftop will vary in the 40' and 50' range.

Mary Montgomery
DSI Zoning Inspector
City of Saint Paul
375 Jackson St. Suite 220
Saint Paul, MN. 55101-1024
Tel: 651-266-9088
Fax: 651-298-4194
mary.montgomery@ci.stpaul.mn.us



Small demonstration wind turbine



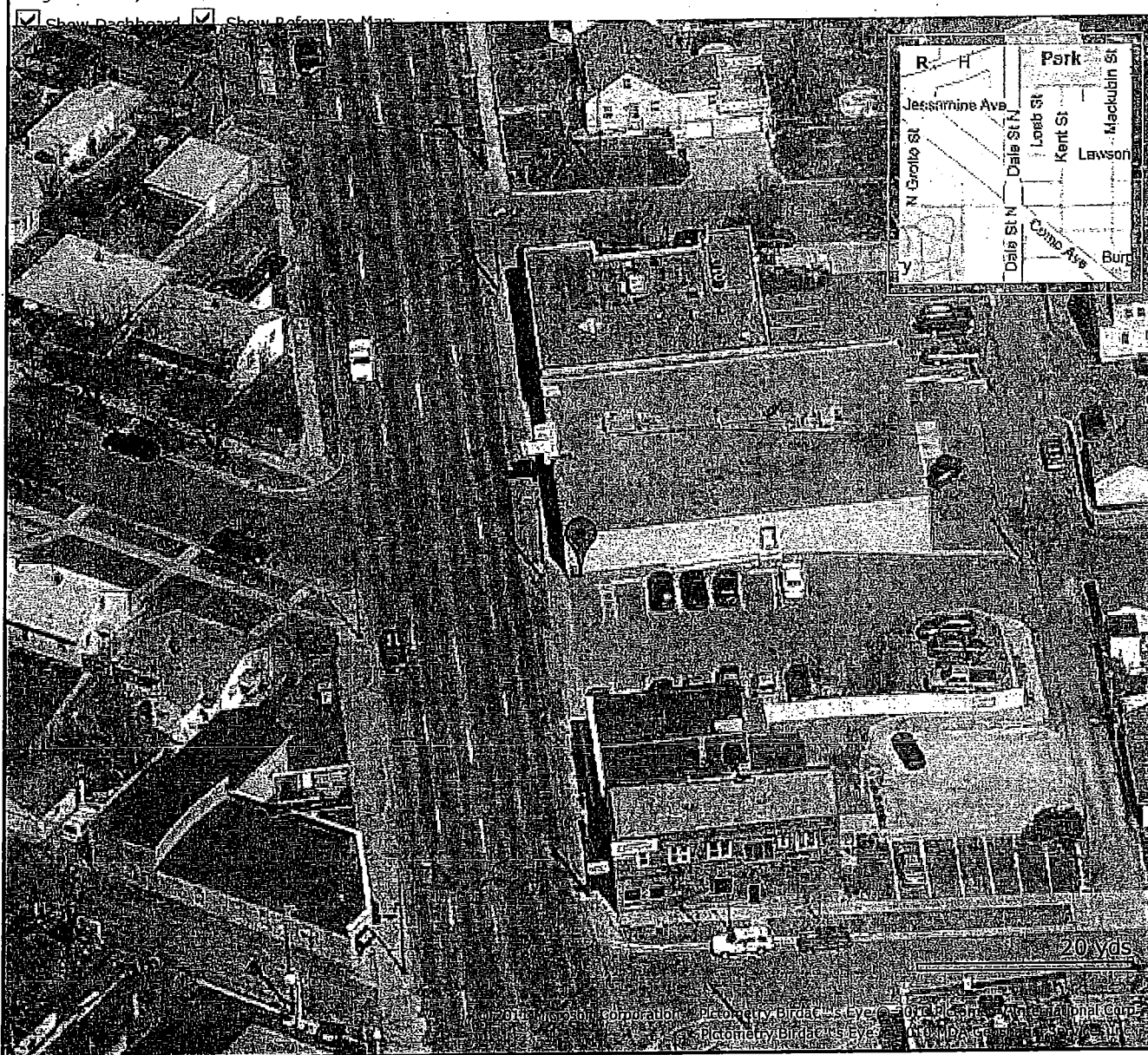
Darrius blade for 1.5 kW turbine (to be roof mounted)

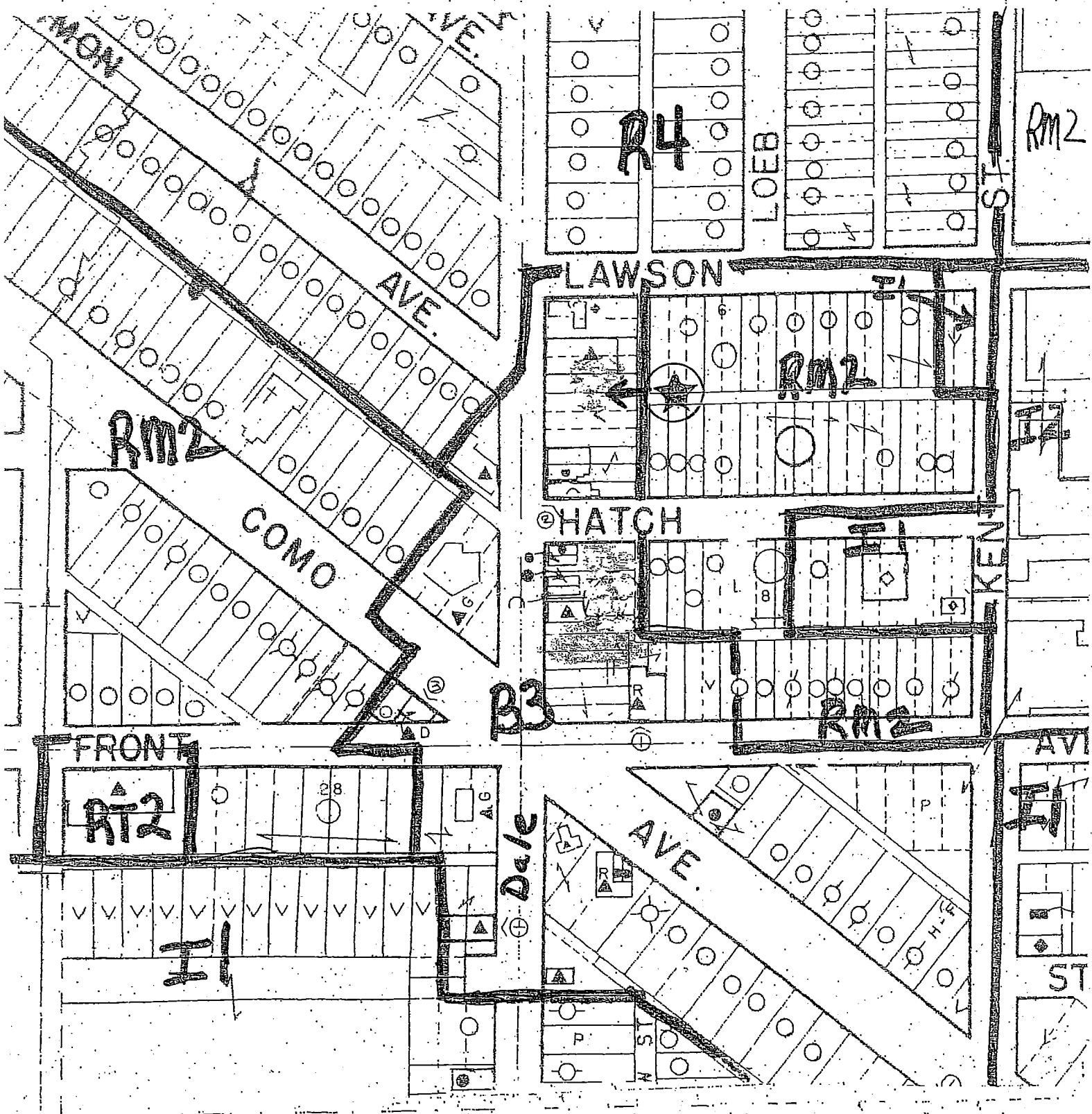


Darrius blade for 3kW turbine (pole mounted)

GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006





APPLICANT Capitol Lein and title
 PURPOSE DSU
 FILE # 11-129965 DATE 4-14-11
 PLNG. DIST 6 Land Use Map # 12
 Zoning Map # 9
 SCALE 1" = 200'

Amended map

LEGEND

— zoning district boundary
 ▨ subject property

○ one family
 ⊙ two family
 ⊕ multiple family

north
 ▲ commercial
 ◆ industrial
 V vacant